

**OFFICE OF INDEPENDENT BUDGET ANALYST
CITY OF SAN DIEGO
M E M O R A N D U M**

No. 08-04

DATE: January 4, 2008

TO: Honorable Council President and Members of the City Council

FROM: Tom Haynes, Office of the Independent Budget Analyst *Tom Haynes*

SUBJECT: Jurisdictional Urban Runoff Management Plan
Item 150, January 7, 2008

On January 24, 2007 the San Diego Regional Water Quality Control Board issued a revised Municipal Storm Water Permit, updating and expanding the requirements that each co-permittee under the Permit's jurisdiction must comply with. Such requirements include public education, business inspection, establishment of minimum private sector Best Management Practices, and establishing development planning and monitoring programs.

The 2007 Municipal Permit also requires each jurisdiction to submit new or revised Urban Runoff Management Plans, the most significant of which is the Jurisdictional Urban Runoff Management Plan (JURMP). The JURMP is the blueprint for the actions that the City will take to protect and improve the water quality of the region's rivers, bays and ocean; and is a critical component of the City's Permit compliance efforts. The IBA supports the updated JURMP; however, we do have a few concerns that are discussed below.

- **Cost Estimate.** The JURMP estimates that the costs of complying with the Municipal Permit will be \$320 million over the next five years. However, while the JURMP does an excellent job in detailing the myriad programs, activities and Best Management Practices that the City must either undertake or enforce, only a lump-sum cost estimate is provided. For instance, based on the cost estimate in the JURMP, an additional \$11 million will be required in FY 2009 for Storm Water permit compliance. However, it is not possible to tell which program areas or activities will be enhanced (i.e. public education, street sweeping), or by what amount. A programmatic breakdown of the cost estimates would be helpful in illuminating which compliance areas demand the greatest attention.
- **Costs to Other City Departments.** The \$320 million estimated over the next five years only accounts for the costs related to activities and programs in the Storm Water Pollution Prevention and Street Divisions. While these divisions account for the vast majority of the costs associated with Permit compliance, the JURMP will also impact many other departments, such as Water, Sewer, Park and Recreation, Environmental Services, Development Services and Real Estate Assets. No cost estimate for the compliance activities in these departments are provided in the JURMP. It is recommended that the

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Honorable Council President

and Members of the City Council

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costs for all City departments over the next five years be estimated in order to reflect the total cost of Permit compliance.

- **Funding Sources.** Currently, the General Fund is the primary source of funding for Storm Water Permit compliance. As outlined in the JURMP, this compliance effort will require increasingly greater resources over the next five years. Without a dedicated funding source, Permit compliance will continue to place increasing burden on the General Fund at the expense of competing priorities, such as public safety. Several options exist for securing a dedicated funding source, and we encourage a public discussion at the City Council or appropriate Council Committee on the possible options and limitations of alternative storm water funding sources.

Overall, we support adoption of the Jurisdictional Urban Runoff Management Plan, as it is a critical component of the City's Storm Water Permit Compliance efforts, and provides a comprehensive framework for the protection and improvement of the City's rivers, bays and beaches. In order to provide greater information on the cost of compliance activities and programs, we recommend that the Storm Water Pollution Prevention Program provide a programmatic breakdown of the total cost estimates, including the expected costs for all City departments. Finally, we recommend a public discussion of potential alternative funding options at the City Council or appropriate Council Committee.

Tom Haynes

Fiscal & Policy Analyst

Office of the Independent Budget Analyst

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COMMITTEE ACTION SHEET

01/07
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COUNCIL DOCKET OF _____

☐ Supplemental ☐ Adoption ☐ Consent ☐ Unanimous Consent Rules Committee Consultant Review

R -

O -

Urban Runoff Management Plans and Storm Water Ordinance

☒ Reviewed ☐ Initiated By NR&C On 11/14/07 Item No. 3b

RECOMMENDATION TO:

Approve the recommendations and forward to the full City Council, with direction that staff provide additional information regarding the benefits of over-irrigation.

VOTED YEA: Frye, Faulconer, Maienschein

VOTED NAY:

NOT PRESENT: Hueso

CITY CLERK: Please reference the following reports on the City Council Docket:

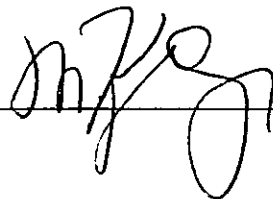
REPORT TO THE CITY COUNCIL NO. 07-186

COUNCIL COMMITTEE CONSULTANT ANALYSIS NO.

OTHER:

Storm Water Department's November 14, 2007, PowerPoint; Diana Spyridonidis' October 19, 2007, letter

COUNCIL COMMITTEE CONSULTANT



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NR&C NOV 14 2007 #3B

THE CITY OF SAN DIEGO
REPORT TO THE CITY COUNCIL

DATE ISSUED: November 7, 2007 REPORT NO: 07-186

ATTENTION: Natural Resources and Culture Committee
Agenda of November 14, 2007

SUBJECT: Urban Runoff Management Plans and Storm Water Ordinance
Amendment

REFERENCE: Resolution No. R-296019 (January 28, 2002) approving 2002
Jurisdictional Urban Runoff Management Plan

Ordinance No. O-18975 N.S. (September 10, 2001) regarding prior
amendments to Storm Water Management and Discharge Control
Ordinance

REQUESTED ACTION:

The Storm Water Pollution Prevention Division of the General Services Department is requesting Council adoption of: one (1) updated Jurisdictional Urban Runoff Management Plan; six (6) updated Watershed Urban Runoff Management Plans; one (1) new Regional Urban Runoff Management Plan; and the municipal, commercial, industrial, and residential Best Management Practices contained in the Jurisdictional Urban Runoff Management Plan. The Storm Water Pollution Prevention Division is also requesting Council authorize the Mayor, or his designee, to maintain the authority to establish, delete, add to, or otherwise amend the Best Management Practices contained in the Jurisdictional Urban Runoff Management Plan.

The Storm Water Pollution Prevention Division is also requesting Council adoption of an ordinance amending Section 43.03 (Storm Water Management and Discharge Control Ordinance) of the San Diego Municipal Code to conform to the requirements of the 2007 Municipal Permit (Order No. R9-2007-0001).

The Development Services Department has prepared a Mitigated Negative Declaration (Project No. 134590) with a Mitigation, Monitoring, and Reporting Program for the eight (8) plans, Storm Water Ordinance amendment; and Best Management Practices. The Mitigated Negative Declaration identifies the following potential environmental impacts: historical resources (archaeology), paleontological resources, and land use (Multi-Habitat Planning Area Land Use Adjacency). The Storm Water Pollution Prevention Division is requesting Council certification and adoption of the Mitigated Negative Declaration and associated Mitigation, Monitoring, and Reporting Program.

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STAFF RECOMMENDATION:

Staff recommends adoption of the plans, ordinance amendment, minimum Best Management Practices, and Mitigated Negative Declaration, and authorization of the Mayor, or his designee, to implement the activities identified in the plans and manage the Best Management Practices.

SUMMARY:

The Clean Water Act established the National Pollutant Discharge Elimination System permit program to regulate the discharge of pollutants, including those from municipal storm drain systems, to waters of the United States. The United States Environmental Protection Agency administers the Clean Water Act and has delegated authority to California's State Water Resources Control Board and its series of Regional Water Quality Control Boards. Jurisdictions in the San Diego region, including the City of San Diego, are required to implement urban runoff management programs to reduce pollutants per the Municipal Permit issued by the San Diego Regional Water Quality Control Board.

The San Diego Regional Water Quality Control Board issued the first Municipal Permit for San Diego jurisdictions in July 1990 (Order No. 90-42), which was then followed by a significantly revised Municipal Permit (Order No. 2001-01) on February 21, 2001. The most recent Municipal Permit was issued on January 24, 2007 (Order No. R9-2007-0001). This 2007 Municipal Permit requires each jurisdiction to submit to the San Diego Regional Water Quality Control Board by January 24, 2008, various new or updated Urban Runoff Management Plans, which describe actions that the jurisdictions will take to protect surface waters and achieve compliance with the 2007 Municipal Permit.

The Jurisdictional (1), Watershed (6), and Regional (1) Urban Runoff Management Plans identify and describe the activities that the City commits itself to implementing to protect and improve water quality and comply with the regulatory requirements outlined the 2007 Municipal Permit. New requirements in the 2007 Municipal Permit has prompted the incorporation of significant revisions into the plans, including the identification of new activities to implement in Fiscal Years 2008 through 2013. Staff also initiated additional changes to improve effectiveness and efficiency and streamline resources. There are three types of Urban Runoff Management Plans: Jurisdictional, Watershed, and Regional. The County of San Diego is leading the development of the Regional Urban Runoff Management Plan with input from the City and other jurisdictions.

Jurisdictional Urban Runoff Management Plan

The Jurisdictional Urban Runoff Management Plan serves two primary purposes. First, it outlines the minimum and activity-specific Best Management Practices that each City department has identified for implementation to prevent or reduce urban runoff pollution during the course of its functions. Each department will be responsible for financing and implementing the Best Management Practices and tracking their activities to enable the Storm Water Pollution Prevention Division to perform an annual assessment of the City's efforts. The Storm Water Pollution Prevention Division is the lead office for the City's efforts and provides technical expertise and guidance to all City departments to ensure implementation and compliance with the 2007 Municipal Permit. Second, the jurisdiction plan identifies the public education,

enforcement, business inspection, development planning, monitoring programs, and Best Management Practices that the Storm Water Pollution Prevention Division will implement and enforce over the five-year life of the 2007 Municipal Permit.

Notable 2007 Municipal Permit requirements for the Jurisdictional Urban Runoff Management Plan include:

- Minimum Best Management Practices: The City is required to designate and enforce a minimum set of Best Management Practices for all municipal, industrial, commercial sites/sources and for high threat to water quality residential areas and activities. These Best Management Practices will consist of good housekeeping practices to prevent or minimize the production of pollutants or the exposure thereof to runoff. More discussion can be found further below.
- Storm Water Standards Manual Update: The City is required to update its Storm Water Standards Manual, which provides requirements to development permit and construction permit applicants of the storm water control measures that must be incorporated into a project as conditions for approval. Included in these requirements are both temporary measures applicable to grading and construction activities and, if applicable, permanent site improvements that are designed to reduce and control storm water pollutants associated with the long term use of the developed site, such as oil, grease and metals from parking lots. The Storm Water Standards Manual was first established to assure compliance with the 2001 Municipal Permit for the activities described above. The 2007 Municipal Permit has increased requirements relevant to development approvals and construction sites and, thus, has prompted a need to update the Storm Water Standards Manual. The most notable updates are requirements for low impact development, pollutant source and treatment control, hydromodification controls, grading restrictions, and advanced sediment control. Council approval of the updated Storm Water Standards Manual is being sought through a separate process.

Watershed Urban Runoff Management Plans

The Watershed Urban Runoff Management Plans identify the high priority pollutants and sources within the watersheds that the City has jurisdiction in and outlines activities to address those pollutants and sources. The City is the sole jurisdiction within the Mission Bay & La Jolla Watershed; it is a participating jurisdiction in the following five watersheds: San Dieguito River, Los Peñasquitos, San Diego River, San Diego Bay, and Tijuana River. To comply with 2007 Municipal Permit requirements, the City has identified at least two (2) education and two (2) water quality activities to implement annually for each of its watersheds. These activities are outlined in the six (6) watershed plans.

A final draft of the Mission Bay & La Jolla Watershed Urban Runoff Management Plan has been prepared by the City. The other five (5) Watershed Urban Runoff Management Plans are being prepared in collaboration with other jurisdictions, and final drafts are not available. It is anticipated that these final drafts may not be available for Council consideration. The most complete drafts available of those five (5) plans, along with the City's proposed activities for

each of them, will be provided for Council consideration. Final versions of the plans will be submitted to the San Diego Regional Water Quality Control Board by January 24, 2008.

Regional Urban Runoff Management Plan

The Regional Urban Runoff Management Plan serves as a framework to implement coordinated regional strategies across multiple jurisdictional boundaries. Under this plan, jurisdictions will integrate activities at a regional scale when efficient and appropriate, such outreach campaigns. The County of San Diego is leading the development of this regional plan with input from the City and other jurisdictions. It has not been completed to date and may not be completed prior to Council consideration. However, the Storm Water Pollution Prevention Division will provide to Council a final and complete list of the City's proposed regional education activities to be integrated into the plan, along with the regionally approved Regional Urban Runoff Management Plan outline, which describes what the contents of the plan will be. The final Regional Urban Runoff Management Plan and the list of City-sponsored activities will be submitted to the San Diego Regional Water Quality Control Board by January 24, 2008.

Minimum Best Management Practices

The 2007 Municipal Permit requires the City to designate a set of minimum Best Management Practices to prevent or minimize the production of pollutants or the exposure thereof to runoff for: (1) municipal areas and activities; (2) commercial/industrial sites and sources; (3) mobile businesses; and (4) high threat to water quality residential areas and activities. As a result, staff proposes for adoption the minimum Best Management Practices included as Attachment 1 to this report. The proposal is based on: Best Management Practices that staff have previously been recommended for implementation by the private sector; mandatory Best Management Practices used by other jurisdictions; the effectiveness of the Best Management Practices; and the "reasonableness" of the Best Management Practices.

A number of minimum Best Management Practices are proposed for municipal areas and activities. Many of these practices are currently practiced by staff and maintenance contractors of the various departments during the course of their daily activities. The list of minimum municipal Best Management Practices will increase consistency across municipal departments and simplify good housekeeping requirements. The minimum municipal Best Management Practices include: reducing over-irrigation; stenciling storm drains with "no dumping" signs; capturing and properly disposing of all power washing water; routinely inspecting vehicles for leaks and servicing leaky vehicles immediately; keeping materials and waste piles covered and, if possible, off the ground; keeping lids closed on trash cans and dumpsters; inspecting and clearing storm drain system catch basins and drop inlets of debris or other foreign material; sweeping municipal areas after activities/spills; allowing only clean storm water to be discharged into the storm drain system; and locating storm drains prior to starting activities and preventing pollutants from entering.

A number of mandatory, minimum Best Management Practices are proposed to apply to commercial/industrial sites and sources and mobile businesses. Many of these practices are currently practiced by many businesses as a means of avoiding a discharge violation. An

example is a requirement to maintain spill capture and cleanup materials on site. A few practices are currently required for businesses that are subject to other regulations, such as the State General Industrial Storm Water Permit. An example of this is a requirement to develop and implement a Storm Water Pollution Prevention Plan. Some of the proposed minimum Best Management Practices are already enforced through other provisions of the San Diego Municipal Code, but are included on this list so that they will be part of the process for notifying and educating operators of commercial and industrial sites on required Best Management Practices.

Best Management Practices are proposed for mandatory implementation at residential properties. These practices will apply to all residential types, including single-family and multi-family units. Most of these practices are already encouraged in storm water educational programs. Examples are proper management of pesticides and fertilizers, properly storing and disposing of hazardous materials, picking up pet waste in yards, and using drip pans to capture leaks and spills.

Contrary to in the past, the 2007 Municipal Permit now requires the City to require implementation of these minimum Best Management Practices. Per San Diego Municipal Code Section 43.0307(a), the Enforcement Official (i.e., the Mayor), is currently authorized to establish these minimum Best Management Practices. Staff recommends that the resolutions that the Council uses to adopt the minimum Best Management Practices also clarify that the Mayor may delegate the authority to delete, add to, or otherwise amend the minimum Best Management Practices to the Storm Water Pollution Prevention Division, provided that the Mayor concur with any proposed amendment. After Council approval of the resolutions, the Storm Water Pollution Prevention Division will request that the Mayor approve the minimum Best Management Practices and subsequently publicize and then enforce the implementation of the minimum Best Management Practices.

Although the San Diego Municipal Code defers enforcement protocols to the Enforcement Official, it is not currently contemplated that the Storm Water Pollution Prevention Division will levy administrative citations or administrative civil penalties against first-time violators of the minimum Best Management Practice requirements. Instead, education will be used as the enforcement mechanism until there is more general public awareness of the minimum Best Management Practices.

The process for notifying the public and soliciting public input on the proposed minimum Best Management Practices is detailed in Attachment 2. The 30-day comment period for these minimum Best Management Practices closed on October 12, 2007. In addition, the minimum municipal Best Management Practices and each department's activity-specific municipal Best Management Practices were reviewed by the former Public Utilities Advisory Commission's Storm Water Sub-Committee, which made recommendations during their August 16, 2007 meeting. The Storm Water Pollution Prevention Division incorporated the recommendations on the Best Management Practices for municipal areas and activities in the updated Jurisdictional Urban Runoff Management Plan as feasible.

Storm Water Management & Discharge Control Ordinance

The City's Storm Water Management and Discharge Control Ordinance (San Diego Municipal Code Section 43.03) states that, except as provided in Section 43.0305, it is unlawful for any person to discharge non-storm water to a storm water conveyance system. Section 43.0305 lists the various types of discharges that are exempt from the discharge prohibition. The existing list of discharge exemptions is generally based on the 2001 Municipal Permit. Because the 2007 Municipal Permit changes some of these allowable non-storm water discharges, the City's Storm Water Ordinance needs to be changed to conform. The proposed Storm Water Ordinance amendments will replace the existing list of exempted discharges with the list of exempted discharges from the 2007 Municipal Permit. In addition, emergency fire fighting flows and non-emergency fighting flows (provided that authorization is first obtained from the Mayor, or his designee, and assurances of proper Best Management Practices will be implemented) will be included in the list of allowable non-storm water discharges as sanctioned by the 2007 Municipal Permit. See Attachment 3 for the proposed amendments to the Storm Water Ordinance.

FISCAL CONSIDERATIONS:

City-wide Fiscal Year 2008 costs are estimated to be \$43 million. This estimate is derived from the Street Division's storm drain cleaning and street sweeping (\$19,966,859) and the Storm Water Division's (\$22,995,409) current budgets (less substantial cost estimates of other departments have not been estimated). Implementation of Fiscal Year 2009–2013 activities will be dependent upon Council identification and approval of funding in future annual budgets. Potential alternative funding sources, including grants, to fund specific activities will be considered by separate actions. City-wide costs for the programs are estimated at \$320 million over the 5-year 2007 Municipal Permit cycle (less substantial expenditures to be required of other departments have not been included in this estimate), as shown below.

Table 1. Anticipated Five-Year City-Wide Costs for Implementing 2007 Municipal Permit Requirements.

Municipal Permit Year/ Budget Period	JURMP	WURMP	RURMP
Fiscal Year 2008 ²	\$36,900,000	\$6,000,000	\$100,000
Fiscal Year 2009	\$45,000,000	\$9,000,000	\$150,000
Fiscal Year 2010	\$45,000,000	\$9,000,000	\$150,000
Fiscal Year 2011	\$46,000,000	\$9,000,000	\$200,000
Fiscal Year 2012	\$47,000,000	\$9,000,000	\$250,000
Fiscal Year 2013	\$48,000,000	\$9,000,000	\$250,000
Total Program Costs:	\$267,900,000	\$51,000,000	\$1,100,000
Total City-Wide Costs:	\$320,000,000³		

¹ The 5-year 2007 Municipal Permit cycle extends over six fiscal years (January 24, 2008, to January 24, 2013).

² This estimate, which has been rounded to the nearest million, is derived from the Street Division's storm drain cleaning and street sweeping (\$19,966,859) and the Storm Water Division's (\$22,995,409) current budgets.

³ Actual implementation of the activities identified in the Urban Runoff Management Programs is dependent upon identification of funding in future yearly budgets and City Council approval. Only Street Division and Storm Water Pollution Prevention Division estimates are included; other department estimates are not included. Estimates include initial planning costs for Total Maximum Daily Load/Area of Special Biological Significance regulations.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Resolution No. R-296019 (January 28, 2002) approving 2002 Jurisdictional Urban Runoff Management Plan. Ordinance No. O-18975 N.S. (September 10, 2001) regarding prior amendments to Storm Water Ordinance.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Outreach efforts to solicit input on the draft plans, including draft minimum Best Management Practices for municipal, commercial/industrial, and residential sites/sources, included two public workshops, two 30-day public comment periods, an Internet comment form on the City's Think Blue website (<http://www.thinkbluesd.org>), and three presentations to the Public Utilities Advisory Commission's Storm Water Sub-Committee. Public notification methods included postcard mailings, newspaper notices, e-mail notices, notices on the City's Think Blue website, media releases, and flyers distributed at City public involvement meetings. See Attachments 2 and 3 for details.

The Development Services Department's Environmental Analysis Section also requested public comment via a 30-day comment period on the draft version of the Mitigated Negative Declaration (Project No. 134590) prepared under the California Environmental Quality Act.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Key stakeholders include commercial businesses and industries, including the building industry, residential homeowners, citizens of the City and other jurisdictions in the San Diego region, and environmental organizations. The Development Services Department prepared a Mitigated Negative Declaration (Project No. 134590), which identified the following potential impacts: historical resources (archaeology), paleontological resources, and land use (Multiple-Habitat Planning Area Land Use Adjacency).



Mario X. Sierra
General Services Department Director



R. F. Haas
Deputy Chief of Public Works

ATTACHMENTS:

- Attachment 1: Proposed Minimum Best Management Practices
- Attachment 2: Public Outreach on Proposed Minimum Best Management Practices
- Attachment 3: Proposed Storm Water Ordinance Amendments

Detailed Description of Proposed Minimum Required Best Management Practices (BMPs)

No.	BMP	Justification	Description and Examples	Applica- tion	Source
Containment BMPs					
1	Provide secondary containment to catch spills if storing hazardous materials	Prevents pollutants from potentially entering the storm drain system by keeping them onsite	Use one of a variety of methods (e.g., containers, curbs, vendor products) to provide secondary containment for areas storing hazardous materials in case of leaks or spills	COM IND	Commonly Adopted in Other Municipalities, Currently in San Diego Municipal Code
2	Use drip pans, etc. to collect leaks/spills	Prevents pollutants from potentially entering the storm drain system by keeping them onsite	Use drip pans or other means (e.g. sealable containers) to capture spills or leaks of oil and other fluids from vehicles during maintenance; dispose of captured fluids per BMP #11 or #12 where applicable. Repair vehicles promptly.	COM IND RES	Commonly Adopted in Other Municipalities, Think Blue
3	Clean floor mats, etc. indoors and discharge to sanitary system	Directs pollutants to sanitary system	Wash kitchen floor mats and entry/exit door mats such that wash water is captured and directed to sanitary sewer system	COM	Commonly Adopted in Other Municipalities, Land Development Manual, Currently in San Diego Municipal Code, Think Blue
4	Properly dispose of process or wash water	Directs pollutants to sanitary system and avoids non-storm water discharge	Collect wash water in permanent or temporary capture facilities and direct to landscape areas for infiltration or pump to sanitary sewer. (Coordinate with MWWWD and obtain industrial discharge permit if necessary.)	COM IND MOB	Commonly Adopted in Other Municipalities, Think Blue, Currently in San Diego Municipal Code

Detailed Description of Proposed Minimum Required Best Management Practices (BMPs)

No.	BMP	Justification	Description and Examples	Applica- tion	Source
5	Immediately clean up spills with dry methods	Removes potential pollutants	Use absorbents, sweeping, and other dry cleanup methods to clean up spills and dispose of properly (depending on nature of spill) rather than washing spilled material into the storm drain system. Provide spill kits with dry cleanup materials in readily accessible locations. Train employees in spill response procedures.	COM IND	Commonly Adopted in Other Municipalities, Think Blue
6	Maintain spill cleanup and wet vacuum or similar equipment readily available	Removes potential pollutants	Assure that absorbents and dry cleanup materials are located in close proximity to locations where hazardous materials or potential storm water pollutants are stored or used, and instructions are clearly displayed	COM IND	Commonly Adopted in Other Municipalities, Currently in San Diego Municipal Code, Think Blue
7	Wash vehicles and equipment in designated areas	Prevents pollutants from potentially entering the storm drain system by keeping them onsite	Designate areas for washing vehicles and equipment that are isolated from the storm drain system	COM IND	Commonly Adopted in Other Municipalities, Land Development Manual, Currently in San Diego Municipal Code
8	Wash vehicles and equipment in designated areas	Prevents pollutants from potentially entering the storm drain system by keeping them onsite	Where feasible, drain wash water (which contains pollutants such as detergents, brake dust, oil, etc.) onto pervious areas, such as a lawn or landscaping, to prevent pollutants from entering the storm drain system. Always use a control nozzle or similar method to prevent unnecessary amounts of runoff.	RES	Think Blue

Detailed Description of Proposed Minimum Required Best Management Practices (BMPs)

No.	BMP	Justification	Description and Examples	Applica- tion	Source
9	Properly store and dispose of green waste	Prevents pollutants from potentially entering the storm drain system	Do not dump or leave green matter from landscaping maintenance in the storm drain system. Store waste clippings, compost, etc. in areas that do not drain directly to the storm drain system. Compost or take to green waste section of landfill.	COM IND RES	Commonly Adopted in Other Municipalities, Currently in San Diego Municipal Code (dumping)
10	Keep animals out of creeks	Prevents deposition of pollutants (nitrates, bacteria, etc.) in drainageway	Fence areas adjacent to channels to keep animals out of creeks and surrounding areas. Provide stock ponds or water tanks away from watercourses.	COM (Animal Facilities)	Commonly Adopted in Other Municipalities, Currently in San Diego Municipal Code
11	Contain discharge water from fire system maintenance activities	Prevents pollutants from potentially entering the storm drain system by keeping them onsite	Prevent discharge of water during testing of fire maintenance systems by directing water to sanitary sewer system, wet vacuuming from a paved area or directing to area for evaporation and sweeping	COM IND	Commonly Adopted in Other Municipalities, Currently in San Diego Municipal Code
Pollution Prevention BMPs					
12	Properly store and dispose of hazardous materials	Prevents pollutants from potentially entering the storm drain system	Store hazardous materials (paints, solvents, oils, pesticides) such that they will not come into contact with storm water if leaks or spills occur. Dispose of hazardous materials using authorized hazardous material collection services.	COM IND	Commonly Adopted in Other Municipalities, Land Development Manual, Currently in San Diego Municipal Code

Detailed Description of Proposed Minimum Required Best Management Practices (BMPs)

No.	BMP	Justification	Description and Examples	Applica- tion	Source
13	Properly store and dispose of hazardous materials	Prevents pollutants from potentially entering the storm drain system	Store household hazardous materials (paints, solvents, oils, pesticides) such that they will not come into contact with storm water if leaks or spills occur. Dispose of household hazardous materials at household hazardous collection center and/or autoparts stores.	RES	Commonly Adopted in Other Municipalities
14	Schedule during dry weather any outdoor activities that could release pollutants	Reduces potential for washing pollutants into storm drain system	When there is flexibility, schedule outdoor activities such as vehicle washing and maintenance, handling of hazardous materials, mobile cleaning operations, etc. for non-rainy days. Or, move activities indoors.	COM IND MOB RES	
15	Label containers and maintain up-to-date inventory to prevent mishandling of hazardous materials	Prevents pollutants from potentially entering the storm drain system	Keep accurate inventory of potentially hazardous materials, especially those stored in outdoor areas. Clearly label containers with contents and any special handling instructions.	COM IND	Commonly Adopted in Other Municipalities, Currently in San Diego Municipal Code
16	Drain and properly dispose of fluids from inoperable vehicles	Prevents pollutants from potentially entering the storm drain system	Drain oil, antifreeze, and other fluids from vehicle stored outside for storage or salvage. Dispose of waste per BMP #11 and #12 where applicable.	COM IND RES	Commonly Adopted in Other Municipalities,
17	Provide pollution prevention signage for storm drains, material storage, etc.	Reduces potential for employees to inadvertently introduce pollutants into storm drain system	Provide concrete stamping or equivalent on all onsite drainage inlets and catch basins with prohibitive language (e.g., "No Dumping – Drains to Ocean"). Provide signage indicating nature of materials stored onsite, particularly hazardous materials.	COM IND	Commonly Adopted in Other Municipalities, Land Development Manual
18	Properly manage pesticide/fertilizer use	Reduces introduction of pollutants to areas that generate runoff	Apply pesticides and fertilizers in strict accordance with manufacturer's guidance. Safely store chemicals in closed/covered areas. Dispose of waste products per BMP #11. Use integrated pest management principles (plant selection, biological controls, habitat manipulation) to reduce use of chemicals.	COM IND	Commonly Adopted in Other Municipalities, Land Development Manual

Detailed Description of Proposed Minimum Required Best Management Practices (BMPs)

No.	BMP	Justification	Description and Examples	Applica- tion	Source
19	Properly manage pesticide/fertilizer use	Reduces introduction of pollutants to areas that generate runoff	Apply pesticides and fertilizers in strict accordance with manufacturer's guidance. Safely store chemicals in closed/covered areas. Dispose waste products per BMP #12. Encourage reduction of chemicals through integrated pest management principles (plant selection, biological controls, habitat manipulation).	RES	Commonly Adopted in Other Municipalities
20	Protect landscaped areas from erosion by maintaining vegetative cover	Reduces erosion and associated pollutants	Plant and maintain healthy ground cover on exposed soils to reduce runoff and erosion of soils that may contain or transport pollutants	COM IND RES	Commonly Adopted in Other Municipalities, Land Development Manual, Currently in San Diego Municipal Code (land development)
21	Protect storm drains from non-storm water discharges	Prevents non-storm water and contaminated storm water from entering storm drain system	Use temporary covers, straw wattles, mats, drain inserts, sand bags, or other methods to prevent non-storm water from entering storm drain system, or provide BMP-level treatment during mobile washing activities or other temporary water use	COM IND MOB	Commonly Adopted in Other Municipalities, Think Blue
22	Minimize over irrigation runoff	Reduces potential for non-storm water to enter storm drain system	Adopt watering practices that minimize irrigation water from entering the storm drain system. Examples are responsibly maintaining irrigation systems, making drought tolerant choices when installing plants, and abiding by local watering restrictions. Minimize runoff resulting from over watering.	COM IND RES	Commonly Adopted in Other Municipalities, Currently in San Diego Municipal Code (watering restrictions)

Detailed Description of Proposed Minimum Required Best Management Practices (BMPs)

No.	BMP	Justification	Description and Examples	Application	Source
23	Regularly sweep parking areas	Removes potential pollutants	Sweep (preferably with vacuum sweepers) parking areas and other large paved areas regularly to control trash and debris.	COM IND	Currently in San Diego Municipal Code
24	Protect trash storage areas from contact with storm water	Reduces contact of rain water with potential pollutants, and reduces runoff of potentially contaminated storm water	Trash areas should be either: (1) paved with an impervious surface, designed not to allow run-on from adjoining areas, and screened to prevent off-site transport of trash; (2) contain attached lids that exclude rain; and/or (3) covered to minimize direct precipitation. Locate trash areas downstream of drain inlets where applicable. Keep area free of trash.	COM IND	Commonly Adopted in Other Municipalities, Land Development Manual, Think Blue
25	Properly dispose of swimming pool, spa, fountain, and filter backwash water	Prevents contaminated discharge water from entering storm drain system	Dispose of swimming pool, spa, and fountain water either by (1) discharging water to the sanitary sewer system; (2) draining water to landscaped areas; and/or (3) discharging water to the storm drain system only if the water is dechlorinated, has a pH in 7-8 range, is within ambient temperature, and has no algae or suspended solids. Dispose of filter backwash water to a landscaped area or the sanitary sewer system.	COM RES	Commonly Adopted in Other Municipalities, Think Blue
Good Housekeeping BMPs					
26	Inspect activity/storage area regularly to ensure BMPs are effective	Assures BMPs are operating properly	Inspect BMPs to assure they continue to operate properly. Assure materials are stored properly, out of contact with rain water or run on. Assure site conditions have not changed, requiring new control measures.	COM IND	Commonly Adopted in Other Municipalities

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Detailed Description of Proposed Minimum Required Best Management Practices (BMPs)

No.	BMP	Justification	Description and Examples	Applica- tion	Source
27	Clean up regularly with dry methods and non-hazardous cleaning products	Removes potential pollutants	Use absorbents, sweeping, and other dry cleanup methods to clean up spills rather than washing spilled material into the storm drain system. Dispose of spilled material properly (e.g., hazardous waste materials per BMP #11). Avoid use of cleaning products containing hazardous substances. Dispose of wash water to landscaped areas or sanitary sewer.	COM IND MOB	Commonly Adopted in Other Municipalities, Think Blue
28	Clean trash disposal areas	Prevents contact of rain water with pollutants	Keep trash in dumpsters and other receptacles; prevent trash from blowing offsite; sweep trash storage areas frequently; check dumpsters for leaks; never place liquid waste in dumpsters; use dry cleanup methods in trash disposal areas.	COM IND RES	Commonly Adopted in Other Municipalities, Think Blue
29	Pick up and dispose of pet waste in yards and right of ways	Prevents pollutants from potentially entering the storm drain system	Pick up and properly dispose of pet waste (toilet or trash).	RES	
30	Train employees on storm water pollution prevention ¹	Reduces potential for employees to inadvertently introduce pollutants into storm drain system	Provide initiation training and annual refresher training for employees involved in activities that could result in spills or discharges to the storm drain system. Assure all employees are familiar with SWPPP if one exists for the site. Designate and train key employees in proper installation, operation, and maintenance of any onsite BMPs.	COM IND MOB	Commonly Adopted in Other Municipalities, Think Blue
Regulatory BMPs					
31	Develop and implement Spill Prevention Plan	Removes potential pollutants	Develop and implement plan for preventing and responding to spills of potentially hazardous materials onsite. Plan should be developed in accordance with guidance provided by State, City, and County emergency management departments. Train employees in spill response procedures.	COM IND MOB	Commonly Adopted in Other Municipalities, Think Blue, General Industrial Permit

Detailed Description of Proposed Minimum Required Best Management Practices (BMPs)

No.	BMP	Justification	Description and Examples	Application	Source
32	Develop and implement SWPPP	Prepares plan to address site specific conditions and pollutant sources	Develop and implement Storm Water Pollution Prevention Plan to provide BMPs pertinent to site conditions and activities. Update plan as site conditions or activities change.	COM IND	Commonly Adopted in Other Municipalities, General Industrial Permit
33	Identify and eliminate illegal connections to storm drain	Prevents pollutants from potentially entering the storm drain system	Assure all process water and drainage from loading areas, vehicle maintenance areas, and manufacturing areas is discharged to sanitary sewer system	COM IND	Currently in San Diego Municipal Code, Commonly Adopted in Other Municipalities

Key

COM = Commercial

IND = Industrial

RES = Residential

MOB = Mobile Business

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Summary of Public Outreach and Involvement Efforts for Proposed Minimum Required BMPs

Public meetings

September 17, 2007

5:30 to 8:00 p.m.

Balboa Park Club, Santa Fe Room

Comment Forms available at meeting

September 19, 2007

5:30 to 8:00 p.m.

Metropolitan Wastewater Operations Center

Comment Forms available at meeting

Mailings

- 119 postcards mailed on August 10, 2007

E-mails

- 128 follow-up e-mails with copy of postcard sent to individuals and to groups and organizations asking for distribution to their members and associates on September 7, 2007
- e-mail notification with copy of postcard sent out by Business Improvement District Council to their membership e-mail contact list in early September, 2007
- 128 e-mail reminders about the comment period deadline sent to individuals and to groups and organizations asking for distribution to their members and associates on September 27, 2007

Additional publicity

- Cross promoted public meetings and other opportunities for input at Land Development Manual public meeting on August 28, 2007
- Information about the meetings and the public involvement process included in 285 piece mailing and on City Web site regarding the draft Mitigated Negative Declaration prepared by the Development Services Dept. to agencies, groups and individuals on September 10, 2007

Advertising

- 1 public notice ad placed in San Diego Daily Transcript legal section on August 29, 2007
- 1 display ad placed in San Diego Daily Transcript on September 14, 2007
- 6 display ads placed in local community, ethnic and minority newspapers
 - San Diego Voice and Viewpoint – September 13, 2007

- Asian Journal - September 15, 2007
- La Prensa - September 14, 2007
- La Jolla Village News – September 13, 2007
- Beach and Bay Press - September 13, 2007
- Peninsula Beacon News - September 13, 2007
- 1 public notice ad placed about the comment period deadline in San Diego Daily Transcript legal section on October 5, 2007
- 2 display ads placed about the comment period deadline in local community, ethnic and minority newspapers.
 - La Prensa – October 5, 2007
 - Asian Journal – October 6, 2007
- 27 newspapers, including community, ethnic and minority papers, received a media release electronically on September 12, 2007
 - Asia
 - Asian Journal
 - Carmel Valley News
 - Clairemont Mesa News
 - Coast News
 - Corridor News
 - The Daily Transcript
 - Del Mar Times
 - Del Mar Village Voice
 - El Latino
 - El Sol De San Diego
 - Filipino Press
 - Hillcrest News
 - The Korea Times
 - La Jolla Light
 - La Jolla Village News
 - La Prensa San Diego
 - Mid-City Journal
 - Mira Mesa/Scripps Ranch Sentinel
 - Mission Times Courier
 - Peninsula Beacon
 - Poway News Chieftain
 - Rancho Bernardo News Journal
 - San Diego Business Journal
 - San Diego Union-Tribune
 - San Diego Voice & Viewpoint
 - U C Golden Triangle News

Web site:

- Information about the meetings and an on-line Comment Form posted on Think Blue Web site August 24, 2007; additional BMP informational materials posted on September 11, 2007

Draft Storm Water Ordinance Amendment

San Diego Municipal Code
(9-2001)

Chapter 4: Health and Sanitation

Article 3: Environmental Health Quality Controls
(Retitled from "Water Quality Controls" on 3-8-1994 by O-18047 N.S.)**Division 3: Stormwater Management
and Discharge Control**
(*"Stormwater Management and Discharge Control"*
added 9-27-1993 by O-17988 N.S.)**§43.0301 Purpose and Intent**

The purposes of this Division are to further ensure the health, safety and general welfare of the citizens of the City of San Diego by controlling Non-Storm Water Discharges to the Storm Water Conveyance System; by eliminating discharges to the Storm Water Conveyance System from spills, dumping, or disposal of materials other than Storm Water; and by reducing Pollutants in urban Storm Water discharges to the maximum extent practicable.

The intent of this Division is to protect and enhance the water quality of our watercourses, water bodies, and wetlands in a manner pursuant to and consistent with the Federal Water Pollution Control Act [Clean Water Act, 33 U.S.C. section 1251 et seq.] and National Pollutant Discharge Elimination System [NPDES] Permit No. ~~CA0108758~~, as amended CAS0108758.
(Amended 9-10-2001 by O-18975 N.S.)

§43.0305 Exemptions from Discharge Prohibition

The following discharges are exempt from the prohibition set forth in Section 43.0304:

- (a) Any discharge or connection regulated under a NPDES permit issued to the discharger and administered by the State of California pursuant to Division 7 of the California Water Code, provided that the discharger is in compliance with all requirements of the permit and other applicable laws and regulations.
- (b) Discharges from the following activities which do not cause or contribute to the violation of any Plan Water Quality Objective and are not a significant source of pollutants into or from the Storm Water Conveyance System:
 - (1) ~~water line flushing and other discharges from potable water sources and raw water supply sources;~~
 - (2) ~~landscape irrigation and lawn watering;~~
 - (3) ~~rising ground waters or springs;~~
 - (4) ~~uncontaminated pumped ground water not subject to any applicable NPDES Permit;~~
 - (5) ~~passive foundation and footing drains;~~
 - (6) ~~water from crawl space pumps;~~
 - (7) ~~air conditioning condensation;~~

- ~~(8) non-commercial and residential washing of vehicles;~~
- ~~(9) flows from riparian habitats and wetlands;~~
- ~~(10) dechlorinated swimming pool discharges;~~
- ~~(11) flows from fire fighting;~~

- 1. Diverted stream flows;
- 2. Rising ground waters;
- 3. Uncontaminated ground water infiltration [as defined at 40 CFR 35.2005(20)] to MS4s;
- 4. Uncontaminated pumped ground water;
- 5. Foundation drains;
- 6. Springs;
- 7. Water from crawl space pumps;
- 8. Footing drains;
- 9. Air conditioning condensation;
- 10. Flows from riparian habitats and wetlands;
- 11. Water line flushing;
- 12. Landscape irrigation;
- 13. Discharges from potable water sources not subject to NPDES Permit No. CAG679001, other than water main breaks;
- 14. Irrigation water;
- 15. Lawn watering;
- 16. Individual residential car washing; and
- 17. Dechlorinated swimming pool discharges.
- 18. Emergency fire fighting flows (i.e., flows necessary for the protection of life or property)
- 19. Non-emergency fire fighting flows (i.e., flows from controlled or practice blazes and maintenance activities), provided that the Enforcement Official has authorized the discharge, individually or as a class. Such authorization shall be based on an evaluation of the potential (or actual) pollutants in the flows and shall not be granted if the flows, individually and in the context of other discharges, have the potential to be a significant source of pollution to waters of the United States. The Enforcement Official has the authorization and duty to ensure that implementation by the discharger of appropriate BMPs is made part of the authorization, if necessary.

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THE CITY OF SAN DIEGO

City of San Diego

Urban Runoff Management Plans & Storm Water Ordinance Amendment

Natural Resources and Culture Committee
November 14, 2007

1

Presentation Overview

- Jurisdictional Urban Runoff Management Program (JURMP)
 - City Best Management Practices & Programs
 - Private Sector Best Management Practices
 - Storm Water Management & Discharge Control Ordinance
- Regional Urban Runoff Management Program
- Watershed Urban Runoff Management Program
- Estimated program costs

2

JURMP – City BMPs

Two Primary Purposes:

1. City employee guide to mandatory BMPs, such as:
 - Before working, locate inlets, prevent pollutants from entering
 - Sweep after activities and spills
 - Annually inspect storm drain system
 - Keep dumpster and trash can lids closed
 - Plus... BMPs for specific municipal activities

3

JURMP – Storm Water Division's Programs

Two Primary Purposes:

2. Five year guide for the Storm Water Pollution Prevention Division
 - Education & Outreach... "Think Blue"
 - Enforcement
 - Monitoring
 - Illicit Connection/Illicit Discharge Detection
 - Development planning
 - Fiscal Analysis
 - Program Assessment



4

JURMP – Private Sector BMPs

- Now mandatory for residences, commercial, industrial businesses
- Proposed BMPs based on:
 - Effectiveness
 - Already required by other regulations
 - What others are doing
- Education as initial enforcement
- Fact Sheets & guidance
- Staff ability to modify, with Mayoral concurrence

5

JURMP – Ordinance Amendment

Storm Water Ordinance (SDMC 43.0301 et seq.)

- Prohibits discharges of non-storm water
- Certain classes of discharges exempt from prohibition
- 2007 Municipal Permit changed list of exemptions
- Proposed Storm Water Ordinance amendments:
 - Conform with 2007 Permit exemptions, including
 - Non-emergency fire fighting flows, with BMPs
- Education as enforcement

6

JURMP – Ordinance Amendment

Additional Potential Ordinance Amendments:

- Eliminate over-irrigation as an allowable discharge
- Eliminate residential & non-commercial car washing

If above are selected, recommend:

1. Use education as enforcement tool
2. Prohibit unless BMPs implemented

7

Regional Urban Runoff Mgmt Plan

- New program under 2007 Municipal Permit
- Collaborative effort with jurisdictions in region
- Regional activities:
 - Outreach
 - Water quality monitoring
- "Think Blue" may be utilized

8

Watershed Urban Runoff Mgmt Plans

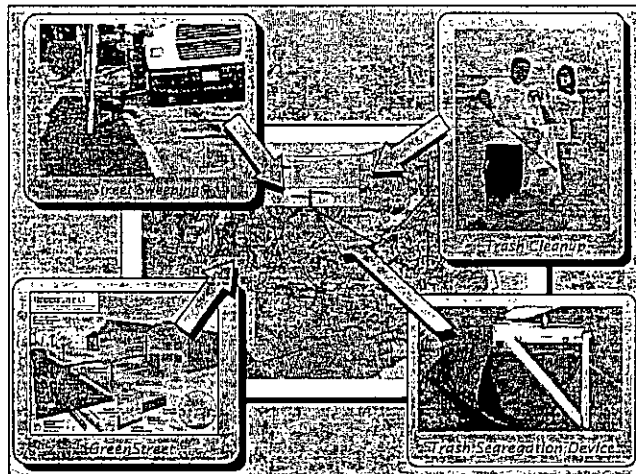
- Nine watersheds defined in Municipal Permit
- City in 6 watersheds
- Stakeholder & jurisdictional collaboration
- Two annual "Watershed Water Quality Activities"
- Two annual "Watershed Education Activities"
- Activities must address pollutants of concern

9

Watershed Urban Runoff Mgmt Plans

Strategic Approach to Program Implementation

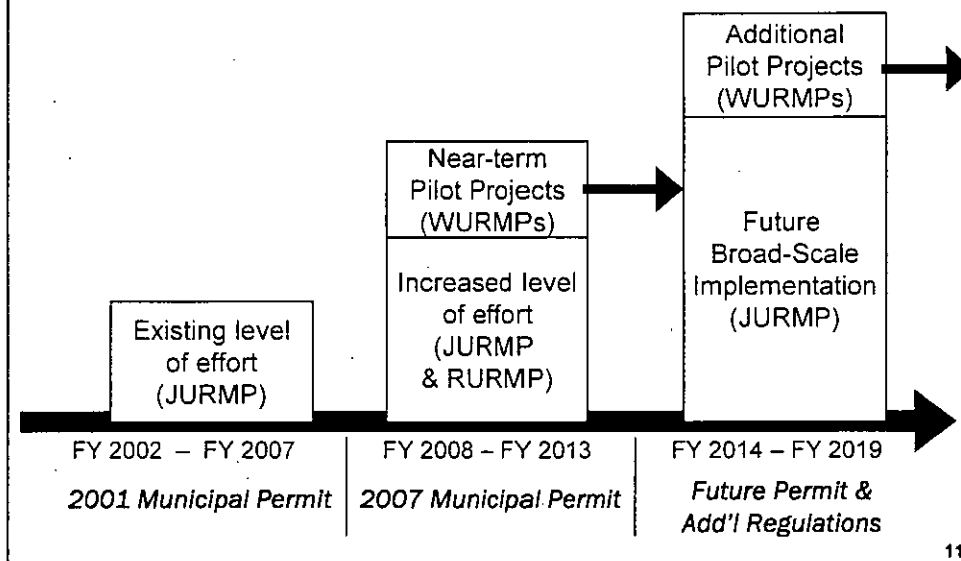
- Pilot projects
- Determine cost effectiveness
- Evaluate for broad-scale implementation



Source: Weston Solutions (2007)

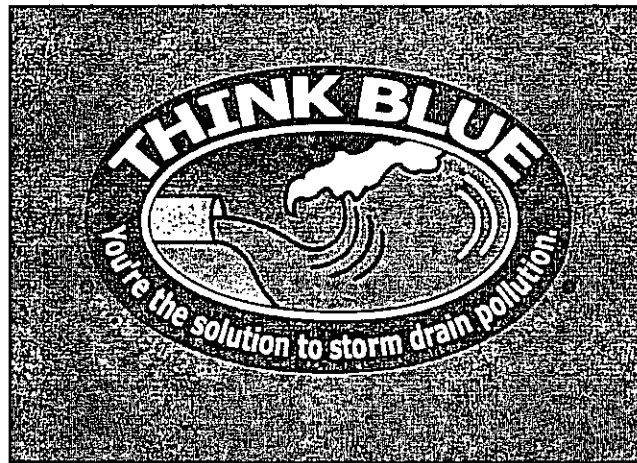
10

Strategic Approach to Implementation

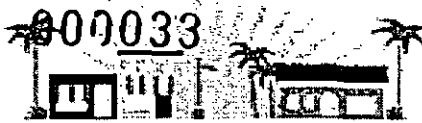


Estimated Permit Compliance Costs

Fiscal Year	JURMP	WURMPs	RURMP
2008	\$36,900,000	\$6,000,000	\$100,000
2009	\$45,000,000	\$9,000,000	\$150,000
2010	\$45,000,000	\$9,000,000	\$150,000
2011	\$46,000,000	\$9,000,000	\$200,000
2012	\$47,000,000	\$9,000,000	\$250,000
2013	\$48,000,000	\$9,000,000	\$250,000
Total 5-Year Program Costs (Estimated):	\$267,900,000	\$51,000,000	\$1,100,000
Total City-wide 5-year Costs (Estimated):	\$320,000,000		



(619) 235-1000
STORM WATER HOTLINE



BUSINESS IMPROVEMENT DISTRICT COUNCIL

SPRECKELS BUILDING

121 Broadway, Suite 501 • San Diego, CA 92101
(619) 239-2437 • Fax (619) 239-0714 • website: www.bidcouncil.org

October 19, 2007

Councilmember Donna Frye, Chair
Natural Resources and Culture Committee
202 C Street, 10th Floor
San Diego CA 92101

Dear Councilmember Frye,

The Business Improvement District Council supports the City of San Diego's efforts to reduce pollution entering San Diego's rivers, bays and the Pacific Ocean. San Diego's watersheds are valuable assets to the community and local economy. These assets deserve vigilant protection and diligent care. The proposed Urban Runoff Management Plan (URMP) is an important step in protecting them.

The BID Council, its member organizations and contractors have been working closely with the City of San Diego's Storm Water Pollution Prevention Division (SWPPD) to prepare for a new set of responsibilities that will be required under the proposed URMP. To date, city staff has been clear and forthcoming in explaining Best Management Practices (BMPs) and how they will apply to commercial, industrial and residential land uses. Nevertheless, the BID Council has become aware of serious problems anticipated with the planned implementation and enforcement of the URMP. These problems, we believe, will cause weak, arbitrary and costly implementation and enforcement.

The BID Council has received a number of communications from member organizations and contractors currently engaged in street cleaning regarding the anticipated implementation and enforcement of the Urban Runoff Management Plan. The problems they have identified, as well as potential solutions, are as follows.

1. Deteriorated and uneven streets prevent adequate water reclamation.

A number of city streets are in poor physical condition, allowing water to pool up in areas. This poses an obstacle to power washers, who are required to reclaim all water used to clean streets. If power washers are unable to reclaim previously existing pooled water because of reclamation capacity or physical obstacles, they may be fined by the city.

A related problem is that streets do not appear to be graded, prior to resurfacing. Many city streets are peaked as a result. Similarly, water that pools along the sides of the streets, next to or in the gutter, cannot be reclaimed.

Deteriorated and uneven street surfaces pose other problems for the city as well. Delivery trucks stopping on peaked streets lean precariously over to one side, endangering pedestrians, motorists and property. Additionally, given the quality of infrastructure, the city may face considerable liability for failure to comply with the Americans with Disabilities Act.

- A. Review street grading and resurfacing techniques.
- B. Pursue steps to improve city infrastructure, in particular street surface quality.
- C. Reexamine fine criteria.

2. Sewers and storm drains are cleaned infrequently.

Sewers and storm drains are visibly clogged, posing health threats and blocking storm water runoff. BID program managers have made requests to obtain information on the city's subterranean infrastructure cleaning schedule, priorities and execution. They have not been provided with reliable information.

Recommendations:

- A. Review sewer and storm drain cleaning schedule and program.
- B. Establish more frequent cleaning schedule.
- C. Monitor cleaning program to ensure proper execution.

3. City structure, as it relates to storm water issues, is fragmented, presenting communication and other problems.

As we understand it, the Storm Water Pollution Prevention Division is responsible for the *education and implementation of the URMP*. The *Street Division* is responsible for filling potholes, street sweeping and maintaining other surface conditions. The Metropolitan Wastewater Department and Water Department are responsible for cleaning the sewer and water systems. And the Transportation and Engineering Division of Engineering and Capital Projects is responsible for resurfacing and repairs to curbs and gutters.

Existing coordination problems hamper the storm drain pollution control effort. The fragmentation of the city structure, as it relates to storm water, would be a major obstacle to effective implementation and enforcement of the URMP.

Recommendations:

- A. Review municipal organizational structure, as it relates to storm water.
- B. Consolidate staff into fewer units.

4. Builders do not remove obstructions from storm drains upon project completion.

Drain blocking devices used to prevent storm water pollution are left in place indefinitely. This is a serious problem downtown, where new construction has proceeded at a fast pace. Apparently, there is no enforcement.

Recommendations:

- A. Provide developers with a schedule outlining when to come back to the site to remove obstructions from the storm drains.
- B. Develop a basic enforcement mechanism.

5. Reactive reporting process leads to weak and arbitrary enforcement.

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Currently enforcement is entirely complaint-driven, effectively requiring the public to serve a role in the enforcement process. This is not an effective enforcement process. The large volume of existing storm water pollutants would require time-consuming and sometimes problematic reporting on the part of power washers, other service providers and members of the public. Significant time lags in enforcement response times are inadequate to deal with a "fluid" situation, such as a serious spill that occurs at night. Furthermore, complaint-driven enforcement provides disincentives to volunteer clean up efforts: Volunteers may be fined.

Proactive enforcement would largely resolve these problems. But current staffing levels are inadequate. Currently, the enforcement team comprises only 4 employees for the entire city, all of which respond to complaints. Current funding levels are also inadequate.

Recommendations:

- A. Create a proactive enforcement program.
- B. Increase staffing levels.
- C. Increase funding levels.

6. Street surface conditions are poor.

There are many causes behind the poor condition of the street surfaces, distinct from the physical conditions. The chief problems are:

- Trash and recycling trucks regularly drip fluids on to the street.
- Trash and dirt pile up in a number of locations, including gutters, storm drains, potholes and gutter wells.
- Property owners permit themselves and tenants to contribute to runoff.
- Street sweeping is irregular and ineffective. Many downtown street sweeping signs have been removed, leaving motorists unaware that they are prohibited from parking in certain areas during specified time frames.

Recommendations:

- A. Review street sweeping schedule and implementation.
- B. Increase frequency of street sweeping.
- C. Enhance effectiveness of street sweeping by replacing signage and enforcing related parking regulations.

7. Fine revenue may not support storm water efforts.

Fines are a proven way of providing economic incentives to change behavior.

Recommendations:

- A. Continue the use of fines to enforce storm water violations.
- B. Earmark all fine revenue to educate the public on storm water issues or to rectify infrastructure conditions through bricks and mortar projects.

The elimination of pollution entering local watersheds, including the Pacific Ocean, from the Storm Water Conveyance System is an important step in reducing negative impacts on the local environment. The BID Council's goal in raising these anticipated problems is to ensure that the Urban Runoff Management Plan is implemented and enforced in an effective and efficient manner.

We look forward to working in collaboration with the city to resolve these issues. On behalf of the BID Council, thank you for taking action to protect our local environment.

Sincerely,

Diana Spyridonidis, CEO
Business Improvement District Council

Cc: Jerry Sanders, Mayor, City of San Diego
Scott Peters, Council President, City of San Diego
Tony Young, Council President Pro Tem, City of San Diego
Toni Atkins, Councilmember, City of San Diego
Kevin Faulconer, Councilmember, City of San Diego
Donna Frye, Councilmember, City of San Diego
Ben Hueso, Councilmember, City of San Diego
Jim Madaffer, Councilmember, City of San Diego
Brian Maienschein, Councilmember, City of San Diego
Elizabeth Maland, City Clerk, City of San Diego
Andrew Kleis, Storm Water Prevention Pollution Division, City of San Diego
Mario Sierra, Street Division, City of San Diego
Deb Van Wanseele, Transportation Engineering Division, City of San Diego
Bill Anderson, Development Services Department, City of San Diego
Jim Barrett, Water Department, City of San Diego
BID Council Board Members



000037

THE CITY OF SAN DIEGO
REPORT TO THE CITY COUNCIL

DATE ISSUED: January 2, 2008 REPORT NO: 07-205

ATTENTION: Council President and City Council
Docket of January 7, 2008

SUBJECT: Urban Runoff Management Plans and Storm Water Ordinance
Amendment

REFERENCE: Resolution No. R-296019 (January 28, 2002) approving 2002
Jurisdictional Urban Runoff Management Plan

Ordinance No. O-18975 N.S. (September 10, 2001) regarding prior
amendments to Storm Water Management and Discharge Control
Ordinance

REQUESTED ACTION:

The Storm Water Pollution Prevention Division of the General Services Department requests Council adoption of: one (1) updated Jurisdictional Urban Runoff Management Plan; six (6) updated Watershed Urban Runoff Management Plans; and one (1) new Regional Urban Runoff Management Plan.

The Storm Water Pollution Prevention Division also requests Council adoption of an ordinance amending Section 43.03 (Storm Water Management and Discharge Control Ordinance) of the San Diego Municipal Code to conform to the requirements of the 2007 Municipal Permit (Order No. R9-2007-0001).

In addition, the Storm Water Pollution Prevention Division requests Council certification and adoption of the Mitigated Negative Declaration and associated Mitigation, Monitoring, and Reporting Program.

STAFF RECOMMENDATION:

Staff recommends adoption of the Urban Runoff Management Plans, ordinance amendment, and Mitigated Negative Declaration.

SUMMARY:

The Clean Water Act established the National Pollutant Discharge Elimination System permit program to regulate the discharge of pollutants, including those from municipal storm drain systems, to waters of the United States. The United States Environmental Protection Agency administers the Clean Water Act and has delegated authority to California's State Water

Resources Control Board and its series of Regional Water Quality Control Boards. Jurisdictions in the San Diego region, including the City of San Diego, are required to implement urban runoff management programs to reduce pollutants per the Municipal Permit issued by the San Diego Regional Water Quality Control Board.

The San Diego Regional Water Quality Control Board issued the first Municipal Permit for San Diego jurisdictions in July 1990 (Order No. 90-42), which was then followed by a significantly revised Municipal Permit (Order No. 2001-01) on February 21, 2001. The most recent Municipal Permit was issued on January 24, 2007 (Order No. R9-2007-0001). This 2007 Municipal Permit requires each jurisdiction to submit to the San Diego Regional Water Quality Control Board various new or updated Urban Runoff Management Plans, which describe actions that the jurisdictions will take to protect surface waters and achieve compliance with the 2007 Municipal Permit. There are three types of Urban Runoff Management Plans: Jurisdictional, Watershed, and Regional.

Jurisdictional Urban Runoff Management Plan

The Jurisdictional Urban Runoff Management Plan serves two primary purposes. First, it outlines the minimum and activity-specific Best Management Practices that each City department has identified for implementation to prevent or reduce urban runoff pollution during the course of its functions. Many of these practices are currently practiced by staff and maintenance contractors of the various departments during the course of their daily activities. The list of minimum municipal Best Management Practices will increase consistency across municipal departments and simplify good housekeeping requirements. Examples of the minimum municipal Best Management Practices include: keeping trash can lids closed, stenciling storm drains with "no dumping" signs, and capturing and properly disposing of all power washing water. Departments will be responsible for financing and implementing the Best Management Practices and tracking their activities to enable the Storm Water Pollution Prevention Division to perform an annual assessment of the City's efforts. The Storm Water Pollution Prevention Division is the lead office for the City's efforts and provides technical expertise and guidance to all City departments to ensure implementation of and compliance with the 2007 Municipal Permit.

Second, the jurisdictional plan identifies the public education, enforcement, business inspection, development planning, monitoring programs, and residential, commercial and industrial Best Management Practices that the Storm Water Pollution Prevention Division will implement and enforce over the five-year life of the 2007 Municipal Permit. See Attachment 1 for the Draft Jurisdictional Urban Runoff Management Plan.

Notable 2007 Municipal Permit requirements for the Jurisdictional Urban Runoff Management Plan include:

- Minimum Private Sector Best Management Practices: The City is required to designate and enforce a minimum set of Best Management Practices for all industrial and commercial sites/sources and for high threat to water quality residential areas and activities. These Best Management Practices will generally consist of good housekeeping practices to prevent or minimize the production of pollutants or the exposure thereof to

runoff. Staff proposes for adoption, as a component of the Jurisdictional Urban Runoff Management Plan, the minimum residential, commercial, and industrial Best Management Practices included as Appendices X through XII to the Jurisdictional Urban Runoff Management Plan. The proposal is based on: Best Management Practices recommended for implementation by the private sector; mandatory Best Management Practices used by other jurisdictions; and the effectiveness of the Best Management Practices. A few practices are currently required for businesses that are subject to other regulations, such as the State General Industrial Storm Water Permit. Some of the proposed minimum Best Management Practices are already enforced through other provisions of the San Diego Municipal Code, but are included on this list so that they will be part of the process for notifying and educating operators of commercial and industrial sites on required Best Management Practices.

The residential Best Management Practices will apply to all residential types, including single-family and multi-family units. Most of these practices are already encouraged in storm water educational programs. Examples are proper management of pesticides and fertilizers, properly storing and disposing of hazardous materials, picking up pet waste in yards, and using drip pans to capture leaks and spills.

The minimum residential, commercial and industrial Best Management Practices represent a “first cut” at identifying appropriate Best Management Practices for the private sector. Every effort has been made to identify practicable Best Management Practices that will maximize effectiveness in reducing pollutants in urban runoff. Through an iterative approach, the Storm Water Pollution Prevention Division will continue to expand its knowledge of pollutant sources and strategies that may target the sources more effectively. In order to gather measurable data regarding the water quality effects of excess irrigation runoff and residential car washing and regarding the most polluting behaviors associated with those activities, the Storm Water Pollution Prevention Division will be conducting focused monitoring studies of those activities over the next 12 months and will identify whether additional Best Management Practices or modifications to existing Best Management Practices are warranted.

It is not currently contemplated that the Storm Water Pollution Prevention Division will levy administrative citations or administrative civil penalties against first-time violators of the minimum Best Management Practice requirements, unless a pollutant discharge occurs. Instead, education will be used as the enforcement mechanism until there is more general public awareness of the minimum Best Management Practices.

- Storm Water Standards Manual Update: The 2007 Municipal Permit requires the City to update its Storm Water Standards Manual, which identifies the storm water-related development permit and construction permit requirements. These requirements include both temporary measures applicable to grading and construction activities and, if applicable, permanent site improvements designed to reduce pollutants associated with the long-term use of the developed site, such as oil, grease and metals from parking lots. The Storm Water Division will be requesting Council approval of the updated Storm

Water Standards Manual by March 24, 2008, through a separate Request for Council Action.

Watershed Urban Runoff Management Plans

The six (6) Watershed Urban Runoff Management Plans identify the high priority pollutants and sources within the watersheds that the City has jurisdiction in. They also outline activities to address those pollutants and sources. To comply with 2007 Municipal Permit requirements, the City has identified at least two (2) water quality and two (2) education activities to implement annually (Fiscal Years 2008 through 2013) for each of its watersheds.

The City is the sole jurisdiction within the Mission Bay & La Jolla Watershed and has prepared a draft of the Mission Bay & La Jolla Watershed Urban Runoff Management Plan (see Attachment 2). The City is a participating jurisdiction in the following five (5) watersheds: San Dieguito River, Los Peñasquitos, San Diego River, San Diego Bay, and Tijuana River. The Watershed Urban Runoff Management Plans for these watersheds are being prepared in collaboration with other jurisdictions and will be similar to the Mission Bay & La Jolla Watershed Urban Runoff Management Plan. To date, drafts of the five (5) plans are not available for Council consideration. However, as mentioned above, the City has identified at least two (2) water quality and two (2) education activities to implement annually in the five (5) watersheds pertaining to those plans. These activities will be integrated into the final versions of the plans and represent the City's commitment to and anticipated efforts in those watersheds. See Attachments 3 to 7 for descriptions of the City's proposed activities for those five (5) watersheds. Final versions of all six (6) Watershed Urban Runoff Management Plans will be submitted to the San Diego Regional Water Quality Control Board by March 24, 2008.

Regional Urban Runoff Management Plan

The Regional Urban Runoff Management Plan will serve as a framework to implement coordinated regional strategies across multiple jurisdictional boundaries. Under this plan, jurisdictions will integrate activities at a regional scale when efficient and appropriate, such as education and outreach campaigns, to more efficiently address regional urban runoff pollution issues. The County of San Diego is leading the development of this regional plan with input from the City and other jurisdictions. It has not been completed to date; however, a draft is being made available to Council. The draft describes the proposed regional education and outreach activities to be integrated into the final version of the plan. The City will be participating in the implementation of these regional education and outreach activities over the life of the 2007 Municipal Permit. See Attachment 8 for the Draft Regional Urban Runoff Management Plan. The final Regional Urban Runoff Management Plan will be submitted to the San Diego Regional Water Quality Control Board by March 24, 2008.

Storm Water Management & Discharge Control Ordinance

The amendment to the Storm Water Ordinance (San Diego Municipal Code Section 43.03) will involve two groups of changes. First, the list of allowable non-storm water discharges would be updated consistent with the list from the 2007 Municipal Permit. Specifically, non-emergency fire fighting flows, diverted stream flows, and uncontaminated groundwater infiltration will be added to the list of allowable non-storm water discharges, and non-commercial car washing (e.g.,

charity car washing) will be removed from the list of allowable discharges to conform with the 2007 Municipal Permit (note that, although non-commercial car washing is currently listed in the City's Storm Water Ordinance, the Storm Water Pollution Prevention Division does not allow discharges from this class of activities). Certain allowable non-storm water discharges will also be modified to be permissible only if the City's minimum Best Management Practices are implemented. The discharge categories with this condition include: three types of excess irrigation runoff (irrigation water, lawn watering, and landscape irrigation), dechlorinated swimming pool discharges, residential car washing, air conditioning condensation, water line flushing, and non-emergency fire fighting flows.

FISCAL CONSIDERATIONS:

City-wide Fiscal Year 2008 costs are estimated to be \$43 million. This estimate is derived from the Street Division's storm drain cleaning and street sweeping (\$19,966,859) and the Storm Water Division's (\$22,995,409) current budgets (less substantial cost estimates of other departments have not been estimated). Implementation of Fiscal Year 2009–2013 activities will be dependent upon Council identification and approval of funding in future annual budgets. Potential alternative funding sources, including grants, to fund specific activities will be considered by separate actions. City-wide costs for the programs are estimated at \$320 million over the 5-year 2007 Municipal Permit cycle (less substantial expenditures to be required of other departments have not been included in this estimate), as shown in Table 1 below.

Table 1. Anticipated Five-Year City-Wide Costs for Implementing 2007 Municipal Permit Requirements.

Municipal Permit Year/ Budget Period	JURMP	WURMPs	RURMP
Fiscal Year 2008 ²	\$36,900,000	\$6,000,000	\$100,000
Fiscal Year 2009	\$45,000,000	\$9,000,000	\$150,000
Fiscal Year 2010	\$45,000,000	\$9,000,000	\$150,000
Fiscal Year 2011	\$46,000,000	\$9,000,000	\$200,000
Fiscal Year 2012	\$47,000,000	\$9,000,000	\$250,000
Fiscal Year 2013	\$48,000,000	\$9,000,000	\$250,000
Total Program Costs:	\$267,900,000	\$51,000,000	\$1,100,000
Total City-Wide Costs:	\$320,000,000 ³		
¹ The 5-year 2007 Municipal Permit cycle extends over six fiscal years (January 24, 2008, to January 24, 2013).			
² This estimate, which has been rounded to the nearest million, is derived from the Street Division's storm drain cleaning and street sweeping (\$19,966,859) and the Storm Water Division's (\$22,995,409) current budgets.			
³ Actual implementation of the activities identified in the Urban Runoff Management Programs is dependent upon identification of funding in future yearly budgets and City Council approval. Only Street Division and Storm Water Pollution Prevention Division estimates are included; other department estimates are not included. Estimates include initial planning costs for Total Maximum Daily Load/Area of Special Biological Significance regulations only.			

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Resolution No. R-296019 (January 28, 2002) approving 2002 Jurisdictional Urban Runoff Management Plan. Ordinance No. O-18975 N.S. (September 10, 2001) regarding prior amendments to Storm Water Ordinance.

On November 14, 2007, the Storm Water Pollution Prevention Division presented a report to the Natural Resources and Culture Committee on the Jurisdictional, Watershed, and Regional Urban Runoff Management Plans and the Storm Water Ordinance amendment. Committee members

voted 3-0 (District 8—not present) to approve and forward the items to the full City Council with direction that staff provide additional information regarding the benefits of over-irrigation.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:


Outreach efforts to solicit input on the draft plans, including draft minimum Best Management Practices for municipal, commercial/industrial, and residential sites/sources, included two public workshops, two 30-day public comment periods, an Internet comment form on the City's Think Blue website (<http://www.thinkbluesd.org>), and three presentations to the Public Utilities Advisory Commission's Storm Water Sub-Committee. Public notification methods included postcard mailings, newspaper notices, e-mail notices, notices on the City's Think Blue website, media releases, and flyers distributed at City public involvement meetings. See Attachment 9 for details.

The Development Services Department's Environmental Analysis Section also requested public comment via a 30-day comment period on the draft version of the Mitigated Negative Declaration (Project No. 134590) prepared under the California Environmental Quality Act.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Key stakeholders include commercial businesses and industries, including the building industry, residential homeowners, citizens of the City and other jurisdictions in the San Diego region, and environmental organizations. The Development Services Department has prepared a Mitigated Negative Declaration (Project No. 134590) with a Mitigation, Monitoring, and Reporting Program for the eight (8) plans and Storm Water Ordinance amendment. The Mitigated Negative Declaration identifies the following potential environmental impacts: historical resources (archaeology), paleontological resources, and land use (Multi-Habitat Planning Area Land Use Adjacency). See Attachment 11 for details.


 Mario X. Sierra
 General Services Department Director


 David Jarrell
 Interim Deputy Chief of Public Works

ATTACHMENTS:

- Attachment 1: Draft Jurisdictional Urban Runoff Management Plan
- Attachment 2: Draft Mission Bay & La Jolla Urban Runoff Management Plan
- Attachment 3: Proposed City Activities for San Dieguito River Watershed
- Attachment 4: Proposed City Activities for Los Peñasquitos Watershed
- Attachment 5: Proposed City Activities for San Diego River Watershed
- Attachment 6: Proposed City Activities for San Diego Bay Watershed
- Attachment 7: Proposed City Activities for Tijuana River Watershed
- Attachment 8: Draft Regional Urban Runoff Management Plan
- Attachment 9: Public Outreach on Proposed Minimum Best Management Practices
- Attachment 10: Proposed Storm Water Ordinance Amendment
- Attachment 11: Mitigated Negative Declaration (Project No. 134590)

Summary of Public Outreach and Involvement Efforts for Proposed Minimum Required BMPs

Public meetings

September 17, 2007

5:30 to 8:00 p.m.

Balboa Park Club, Santa Fe Room

Comment Forms available at meeting

September 19, 2007

5:30 to 8:00 p.m.

Metropolitan Wastewater Operations Center

Comment Forms available at meeting

Mailings

- 119 postcards mailed on August 10, 2007

E-mails

- 128 follow-up e-mails with copy of postcard sent to individuals and to groups and organizations asking for distribution to their members and associates on September 7, 2007
- e-mail notification with copy of postcard sent out by Business Improvement District Council to their membership e-mail contact list in early September, 2007
- 128 e-mail reminders about the comment period deadline sent to individuals and to groups and organizations asking for distribution to their members and associates on September 27, 2007

Additional publicity

- Cross promoted public meetings and other opportunities for input at Land Development Manual public meeting on August 28, 2007
- Information about the meetings and the public involvement process included in 285 piece mailing and on City Web site regarding the draft Mitigated Negative Declaration prepared by the Development Services Dept. to agencies, groups and individuals on September 10, 2007

Advertising

- 1 public notice ad placed in San Diego Daily Transcript legal section on August 29, 2007
- 1 display ad placed in San Diego Daily Transcript on September 14, 2007
- 6 display ads placed in local community, ethnic and minority newspapers
 - San Diego Voice and Viewpoint – September 13, 2007

- Asian Journal - September 15, 2007
- La Prensa - September 14, 2007
- La Jolla Village News – September 13, 2007
- Beach and Bay Press - September 13, 2007
- Peninsula Beacon News - September 13, 2007
- 1 public notice ad placed about the comment period deadline in San Diego Daily Transcript legal section on October 5, 2007
- 2 display ads placed about the comment period deadline in local community, ethnic and minority newspapers
 - La Prensa – October 5, 2007
 - Asian Journal – October 6, 2007
- 27 newspapers, including community, ethnic and minority papers, received a media release electronically on September 12, 2007
 - Asia
 - Asian Journal
 - Carmel Valley News
 - Clairemont Mesa News
 - Coast News
 - Corridor News
 - The Daily Transcript
 - Del Mar Times
 - Del Mar Village Voice
 - El Latino
 - El Sol De San Diego
 - Filipino Press
 - Hillcrest News
 - The Korea Times
 - La Jolla Light
 - La Jolla Village News
 - La Prensa San Diego
 - Mid-City Journal
 - Mira Mesa/Scripps Ranch Sentinel
 - Mission Times Courier
 - Peninsula Beacon
 - Poway News Chieftain
 - Rancho Bernardo News Journal
 - San Diego Business Journal
 - San Diego Union-Tribune
 - San Diego Voice & Viewpoint
 - U C Golden Triangle News

Web site:

- Information about the meetings and an on-line Comment Form posted on Think Blue Web site August 24, 2007; additional BMP informational materials posted on September 11, 2007

(O-2008-59)

OLD LANGUAGE - ~~Stricken~~NEW LANGUAGE - Underlined

STRIKEOUT ORDINANCE

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE OF THE CITY OF SAN DIEGO AMENDING
CHAPTER 4. ARTICLE 3, DIVISION 3 OF THE SAN DIEGO
MUNICIPAL CODE BY AMENDING SECTION 43.0305(b)
AND SECTION 43.0407(a) REGARDING STORM DRAIN
DISCHARGES.

§ 43.0305 Exemptions from Discharge Prohibition

The following discharges are exempt from the prohibition set forth in Section 43.0305:

- (a) [No change to text.]
- (b) Discharges from the following activities which do not cause or contribute to the violation of any Plan Water Quality Objective and are not a significant source of pollutants into or from the *Storm Water Conveyance System*:
 - (1) ~~water line flushing and other discharges from potable water sources and raw water supply sources;~~
 - (2) ~~landscape irrigation and lawn watering;~~
 - (3) ~~rising ground waters or springs;~~
 - (4) ~~uncontaminated pumped ground water not subject to any applicable NPDES Permit;~~
 - (5) ~~passive foundation and footing drains;~~
 - (6) ~~water from crawl space pumps;~~

(O-2008-59)

- ~~(7) air conditioning condensation;~~
- ~~(8) non-commercial and residential washing of vehicles;~~
- ~~(9) flows from riparian habitats and wetlands;~~
- ~~(10) dechlorinated swimming pool discharges;~~
- ~~(11) flows from fire fighting;~~
- (1) diverted stream flows;
- (2) rising ground waters;
- (3) uncontaminated ground water infiltration [as defined at 40 CFR 35.2005(20)]
to the Storm Water Conveyance System;
- (4) uncontaminated pumped ground water;
- (5) foundation drains;
- (6) springs;
- (7) water from crawl space pumps;
- (8) footing drains;
- (9) air conditioning condensation, provided such discharges comply with
Best Management Practices adopted under Section 43.0307(a);
- (10) flows from riparian habitats and wetlands;
- (11) water line flushing, provided such discharges comply with Best Management
Practices adopted under Section 43.0307(a);
- (12) irrigation water, provided such discharges comply with Best Management
Practices adopted under Section 43.0307(a);
- (13) discharges from potable water sources not subject to NPDES Permit No.
CAG679001, other than water main breaks;

(O-2008-59)

- (14) individual residential car washing, provided such discharges comply with
Best Management Practices adopted under Section 43.0307(a);
- (15) dechlorinated swimming pool discharges, provided such discharges comply with
Best Management Practices adopted under Section 43.0307(a);
- (16) emergency fire fighting flows necessary for the protection of life or property; and
- (17) non-emergency fire fighting flows from controlled or practice blazes and fire
suppression equipment maintenance activities, provided such discharges are not
prohibited categorically by Best Management Practices established by the
Enforcement Official pursuant to Section 43.0307(a), and provided further that
such discharges comply with all Best Management Practices established by the
Enforcement Official under Section 43.0307(a).

(c) [No change to text.]

(d) [No change to text.]

FMO:mb
11/
Aud.Cert:N/A
Or.Dept:
SO-2008-59



ENTITLEMENTS DIVISION
(619) 446-5460

Attachment #11

Mitigated Negative Declaration

Project No. 134590
SCH No. 2007091059

SUBJECT: URBAN RUNOFF MANAGEMENT PLANS. CITY COUNCIL APPROVAL of one (1) updated Jurisdictional Urban Runoff Management Plan (JURMP) and associated ordinance amendments and amendments to the Land Development Manual, six (6) updated Watershed Urban Runoff Management Plans (WURMPs), and one (1) Regional Urban Runoff Management Plan (RURMP) outlining the efforts of the City of San Diego (City) to reduce and prevent, by itself and in coordination with other jurisdictions, urban runoff pollution pursuant to San Diego Regional Water Quality Control Board Order No. R9-2007-0001 (Municipal Storm Water Permit). The City's efforts will incorporate both structural and non-structural activities throughout its jurisdiction. Applicant: City of San Diego, General Services Department, Storm Water Pollution Prevention Division.

UPDATE:

Minor revisions have been made to this Mitigated Negative Declaration subsequent to the distribution of the draft document for public review and comment. Revisions are denoted by ~~strikeout~~ and underline.

- I. PROJECT DESCRIPTION: See attached Initial Study.
- II. ENVIRONMENTAL SETTING: See attached Initial Study.
- III. DETERMINATION:

The City conducted an Initial Study which determined that the proposed planning documents could have a significant environmental effect in the following areas(s): **Historical Resources (Archaeology), Paleontological Resources and Land Use (MHPA Land Use Adjacency)**. Subsequent additions pertaining to the implementation of the planning documents create the specific mitigation identified in Section V of this Mitigated Negative Declaration. The documents augmented as to their implementation now avoid or

mitigate the potentially significant environmental effects previously identified, and the preparation of an Environmental Impact Report will not be required.

SUBSEQUENT REVIEW

Future applications for the implementation of City projects of the activity type of Capital Improvement Projects (CIP) only (including, but not limited to: Green Street – Infiltration, Green Mall – Infiltration, Green Lot – Infiltration, Infiltration Vault/Pit Installation with associated headworks, Hydrodynamic Separator Installation, Sediment and Peak Flow Control, Inlet Trash/Debris Segregation BMP, and Bacteria Treatment BMP, Dry Weather Diversion) pursuant to the WURMPs only as indicated in the Purpose and Main Features discussion of this Initial Study within the City would be reviewed for potential impacts and consistency with the attached Mitigated Negative Declaration (MND). Where it can be determined that the project is consistent with the attached MND, if the project does not impact potentially sensitive biological resources, and no additional potentially significant impacts would result pursuant to Section 15162 of the State of California Environmental Quality Act (CEQA), an Addendum to this MND would be prepared. The Addendum would discuss the specifics of each project, including the location, environmental setting, and construction methods. Where the projects are inconsistent with the assumption of this environmental document or in the event an impact would result, a determination of the environmental document to be prepared would be made based on the completion of an Initial Study.

IV. DOCUMENTATION:

The attached Initial Study documents the reasons to support the above Determination.

V. MITIGATION, MONITORING AND REPORTING PROGRAM:

HISTORICAL RESOURCES (ARCHAEOLOGY)

I. Prior to Permit Issuance or Bid Opening/Bid Award

A. Land Development Review (LDR) Plan Check

1. Prior to permit issuance or Bid Opening/Bid Award, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring, have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

1. Prior to Bid Award, the applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals

- involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project.
3. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coast Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the 1/4 mile radius.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Acknowledgement of Responsibility for Curation (CIP or Other Public Projects)
 - a. The applicant shall submit a letter to MMC acknowledging their responsibility for the cost of curation associated with all phases of the archaeological monitoring program.
3. Identify Areas to be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) based on the appropriate construction documents (reduced to 11x17) to MMC for approval identifying the areas to be monitored including the delineation of grading/excavation limits. The AME shall be based on the results of a site specific records search as well as information regarding the age of existing pipelines, laterals and

associated appurtenances and/or any known soil conditions (native or formation). **The AME shall specifically identify areas where Native American Monitoring is required along the trenching alignment and other pertinent areas.** MMC shall notify the PI that the AME has been approved.

4. When Monitoring Will Occur

- a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
- b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as age of existing pipe to be replaced, depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

5. Approval of AME and Construction Schedule

- a. After approval of the AME by MMC, the PI shall submit to MMC written authorization of the AME and Construction Schedule from the CM.

III. During Construction

A. Monitor(s) Shall be Present During Grading/Excavation/Trenching

1. The monitor and Native American monitor shall be present full-time during grading/excavation/trenching activities including, but not limited to *mainline, laterals, jacking and receiving pits, services and all other appurtenances* associated with underground utilities as identified on the AME and as authorized by the CM. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.**
2. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
3. The PI may submit a detailed letter to the CM and/or RE for concurrence and forwarding to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous trenching activities, presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present.

B. Discovery Notification Process

1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.

2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or e-mail with photos of the resource in context, if possible.

C. Determination of Significance

1. The PI and Native American monitor shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval of the program from MMC, CM and RE. ADRP and any mitigation must be approved by MMC, RE and/or CM before ground disturbing activities in the area of discovery will be allowed to resume.
 - (1) Note: For pipeline trenching projects only, the PI shall implement the Discovery Process for Pipeline Trenching projects identified below under "D."
 - c. If resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.
 - (1) Note: For Pipeline Trenching Projects Only. If the deposit is limited in size, both in length and depth; the information value is limited and is not associated with any other resource; and there are no unique features/artifacts associated with the deposit, the discovery should be considered not significant.
 - (2) Note, for Pipeline Trenching Projects Only: If significance can not be determined, the Final Monitoring Report and Site Record (DPR Form 523A/B) shall identify the discovery as Potentially Significant.

D. Discovery Process for Significant Resources — Pipeline Trenching Projects

The following procedure constitutes adequate mitigation of a significant discovery encountered during pipeline trenching activities including but not limited to excavation for jacking pits, receiving pits, laterals, and manholes to reduce impacts to below a level of significance:

1. Procedures for documentation, curation, and reporting
 - a. One hundred percent of the artifacts within the trench alignment and width shall be documented in-situ, to include photographic records, plan view of the trench and profiles of side walls, recovered, photographed after cleaning and analyzed and curated.

The remainder of the deposit within the limits of excavation (trench walls) shall be left intact.

- b. The PI shall prepare a Draft Monitoring Report and submit to MMC via the RE as indicated in Section VI-A.
- c. The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) the resource(s) encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines. The DPR forms shall be submitted to the South Coastal Information Center for either a Primary Record or SDI Number and included in the Final Monitoring Report.
- d. The Final Monitoring Report shall include a recommendation for monitoring of any future work in the vicinity of the resource.

IV. Discovery of Human Remains

If human remains are discovered, work shall halt in that area and the following procedures as set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

A. Notification

1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS).
2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

B. Isolate discovery site

1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenience of the remains.
2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenience.
3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.

C. If Human Remains **ARE determined to be Native American**

1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.
2. The NAHC will contact the PI within 24 hours or sooner, after Medical Examiner has completed coordination.
3. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
4. The PI shall coordinate with the MLD for additional consultation.
5. The MLD has 48 hours to make recommendations to the property owner or representative for the treatment or disposition, with proper dignity, of the human remains and associated grave goods.

6. Disposition of Native American Human Remains shall be determined between the MLD and the PI, IF:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner.
 - c. To protect these sites, the landowner shall do one or more of the following:
 - (1) Record the site with the NAHC;
 - (2) Record an open space or conservation easement; or
 - (3) Record a document with the County.
 - d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 6.c., above.
- D. If Human Remains are **NOT** Native American
 1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
 2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
 3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant department and/or Real Estate Assets Department (READ) and the Museum of Man.

II. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract
 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the Precon meeting.
 2. The following procedures shall be followed.
 - a. No Discoveries
In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSVr and submit to MMC via the RE by fax by 9am the following morning of the next business day.

b. Discoveries

All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV - Discovery of Human Remains.

c. Potentially Significant Discoveries

If the PI determines that a potentially significant discovery has been made, the procedures detailed under *Section III: During Construction* shall be followed.

d. The PI shall immediately contact the RE and MMC, or by 8AM the following morning to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

B. If night and/or weekend work becomes necessary during the course of construction

1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
2. The RE, or BI, as appropriate, shall notify MMC immediately.
3. All other procedures described above shall apply, as appropriate.

III. Post Construction

A. Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC via the RE for review and approval within 90 days following the completion of monitoring.
 - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program or Pipeline Trenching Discovery Process shall be included in the Draft Monitoring Report.
 - b. Recording Sites with State of California Department of Parks and Recreation
 - (1) The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI via the RE for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC via the RE for approval.
4. MMC shall provide written verification to the PI of the approved report.

5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Artifacts**
1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued.
 2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
- C. Curation of Artifacts: Accession Agreement and Acceptance Verification**
1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
 2. The PI shall submit the Accession Agreement and catalogue record(s) to the RE or BI, as appropriate for donor signature with a copy submitted to MMC.
 3. The RE or BI, as appropriate shall obtain signature on the Accession Agreement and shall return to PI with copy submitted to MMC.
 4. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)**
1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC of the approved report.
 2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

PALEONTOLOGICAL RESOURCES

I. Prior to Permit Issuance or Bid Opening/Bid Award

A. Land Development Review (LDR) Plan Check

1. Prior to permit issuance or Bid Opening/Bid Award, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

1. Prior to Bid Award, the applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.

2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. *The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.*
2. *The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.*

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.

2. Acknowledgement of Responsibility for Curation (CIP or Other Public Projects)

The applicant shall submit a letter to MMC acknowledging their responsibility for the cost of curation associated with all phases of the paleontological monitoring program.

3. Identify Areas to be Monitored

- a. Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC for approval identifying the areas to be monitored including the delineation of grading/excavation limits.
- b. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
- c. MMC shall notify the PI that the PME has been approved.

4. When Monitoring Will Occur

- a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.
5. Approval of PME and Construction Schedule
- After approval of the PME by MMC, the PI shall submit to MMC written authorization of the PME and Construction Schedule from the CM.

III. During Construction

A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The monitor shall be present full-time during grading/excavation/trenching activities including, but not limited to mainline, laterals, jacking and receiving pits, services and all other appurtenances associated with underground utilities as identified on the PME and as authorized by the CM that could result in impacts to formations with high and/or moderate resource sensitivity at depths of 10 feet or greater and as authorized by the construction manager. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.**
2. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
3. The PI may submit a detailed letter to the CM and/or RE for concurrence and forwarding to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.

B. Discovery Notification Process

1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

C. Determination of Significance

1. The PI shall evaluate the significance of the resource.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
 - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval of the program from MMC, MC and/or RE. PRP and any mitigation must be approved by MMC, RE and/or CM before ground disturbing activities in the area of discovery will be allowed to resume.
 - (1) Note: For pipeline trenching projects only, the PI shall implement the Discovery Process for Pipeline Trenching projects identified below under "D."
 - c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
 - d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.
 - (1) Note: For Pipeline Trenching Projects Only. If the fossil discovery is limited in size, both in length and depth; the information value is limited and there are no unique fossil features associated with the discovery area, then the discovery should be considered not significant.
 - (2) Note, for Pipeline Trenching Projects Only: If significance can not be determined, the Final Monitoring Report and Site Record shall identify the discovery as Potentially Significant.

D. Discovery Process for Significant Resources — Pipeline Trenching Projects

The following procedure constitutes adequate mitigation of a significant discovery encountered during pipeline trenching activities including but not limited to excavation for jacking pits, receiving pits, laterals, and manholes to reduce impacts to below a level of significance.

1. Procedures for documentation, curation and reporting
 - a. One hundred percent of the fossil resources within the trench alignment and width shall be documented in-situ photographically, drawn in plan view (trench and profiles of side walls), recovered from the trench and photographed after cleaning, then analyzed and curated consistent with Society of Invertebrate Paleontology

Standards. The remainder of the deposit within the limits of excavation (trench walls) shall be left intact and so documented.

- b. The PI shall prepare a Draft Monitoring Report and submit to MMC via the RE as indicated in Section VI-A.
- c. The PI shall be responsible for recording (on the appropriate forms for the San Diego Natural History Museum) the resource(s) encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines. The forms shall be submitted to the San Diego Natural History Museum and included in the Final Monitoring Report.
- d. The Final Monitoring Report shall include a recommendation for monitoring of any future work in the vicinity of the resource.

IV. Night and/or Weekend Work

A. If night and/or weekend work is included in the contract

- 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the Precon meeting.
- 2. The following procedures shall be followed.

a. No Discoveries

In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSVr and submit to MMC via the RE via fax by 9am the following morning of the next business day.

b. Discoveries

All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.

c. Potentially Significant Discoveries

If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.

d. The PI shall immediately contact the RE and MMC, or by 8AM the following morning to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

B. If night and/or weekend work becomes necessary during the course of construction

- 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
- 2. The RE, or BI, as appropriate, shall notify MMC immediately.

C. All other procedures described above shall apply, as appropriate.

V. Post Construction

A. Submittal of Draft Monitoring Report

- 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate

graphics) to MMC via the RE for review and approval within 90 days following the completion of monitoring.

- a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program or Pipeline Trenching Discovery Process shall be included in the Draft Monitoring Report.
 - b. Recording Sites with the San Diego Natural History Museum
The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI via the RE for revision or, for preparation of the Final Report.
 3. The PI shall submit revised Draft Monitoring Report to MMC via the RE for approval.
 4. MMC shall provide written verification to the PI of the approved report.
 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Fossil Remains
1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
- C. Curation of artifacts: Deed of Gift and Acceptance Verification
1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
 2. The PI shall submit the Deed of Gift and catalogue record(s) to the RE or BI, as appropriate for donor signature with a copy submitted to MMC.
 3. The RE or BI, as appropriate shall obtain signature on the Deed of Gift and shall return to PI with copy submitted to MMC.
 4. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC of the approved report.
 2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

LAND USE (MHPA – LAND USE ADJACENCY GUIDELINES)

If future projects are located adjacent to the Multi-Habitat Planning Area (MHPA), the following Land Use Adjacency Guidelines shall be made conditions of project approval in order to reduce potential indirect impacts:

1. Prior to initiation of any construction-related activities adjacent to the MHPA, the construction foreman shall discuss the sensitive nature of the adjacent habitat with the crew and subcontractor, when applicable.
2. Prior to the commencement of any construction related activities adjacent to the MHPA, the limits of grading shall be clearly delineated by a survey crew prior to brushing, clearing or grading. The limits of grading shall be defined with silt fencing and checked by the biological monitor before initiation of construction grading. If no construction activities would be in areas adjacent to the MHPA, then this measure would not be implemented.
3. Prior to the commencement of any construction related activities, the ADD/Environmental Designee shall review the construction documents to ensure that no invasive, non-native plant species are being introduced into areas adjacent to the MHPA.
4. Construction lighting located in areas adjacent to the MHPA shall be shielded, unidirectional, low pressure sodium illumination (or similar) and directed away from preserve areas using appropriate placement and shields.
5. No staging/storage areas for equipment and materials shall be located within or adjacent to the MHPA; No equipment maintenance shall be conducted within or near the adjacent to the MHPA.
6. Natural drainage patterns shall be maintained as much as possible during construction. Erosion control techniques, including the use of sandbags, weed-free hay or straw bales, and/or the installation of sediment traps, shall be used to control erosion and deter drainage during construction activities into the adjacent open space. Drainage from all development areas adjacent to the MHPA shall be directed away from the MHPA, or if not possible, must not drain directly into the MHPA, but instead into sedimentation basins, grassy swales, and/or mechanical trapping devices as specified by the City Engineer.
7. No trash, oil, parking or other construction related activities shall be allowed outside the established limits of grading or permitted construction activities. All construction related debris shall be removed off-site to an approved disposal facility.
8. Prior to the commencement of any construction related activities adjacent to the MHPA, the ADD/Environmental Designee shall verify that the MHPA boundaries and the following project requirements regarding the Coastal California gnatcatcher, Least Bell's vireo and the southern Willow Flycatcher are shown on the construction plans and indicated below:

COASTAL CALIFORNIA GNATCATCHER

NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES SHALL OCCUR BETWEEN MARCH 1 AND AUGUST 15, THE BREEDING SEASON OF THE COASTAL CALIFORNIA GNATCATCHER, UNTIL THE FOLLOWING REQUIREMENTS HAVE BEEN MET TO THE SATISFACTION OF THE ADD (Environmental Designee) of LDR:

- A. A QUALIFIED BIOLOGIST SHALL SURVEY THOSE HABITAT AREAS WITHIN THE MHPA THAT WOULD BE SUBJECT TO CONSTRUCTION NOISE LEVELS EXCEEDING 60 dB(A) HOURLY AVERAGE FOR THE PRESENCE OF THE COASTAL CALIFORNIA GNATCATCHER. SURVEYS FOR THE COASTAL CALIFORNIA GNATCATCHER SHALL BE CONDUCTED PURSUANT TO THE PROTOCOL SURVEY GUIDELINES ESTABLISHED BY THE U.S. FISH AND WILDLIFE SERVICE FOR A MINIMUM OF FOUR WEEKS (WITHIN THE BREEDING SEASON) PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION. IF GNATCATCHERS ARE PRESENT, THEN THE FOLLOWING CONDITIONS MUST BE MET:
 - I. *BETWEEN MARCH 1 AND AUGUST 15, NO CLEARING, GRUBBING, OR GRADING OF OCCUPIED GNATCATCHER HABITAT SHALL BE PERMITTED. AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; AND
 - II. *BETWEEN MARCH 1 AND AUGUST 15, NO CONSTRUCTION ACTIVITIES SHALL OCCUR WITHIN ANY PORTION OF THE SITE WHERE CONSTRUCTION ACTIVITIES WOULD RESULT IN NOISE LEVELS EXCEEDING 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED GNATCATCHER HABITAT. AN ANALYSIS SHOWING THAT NOISE GENERATED BY CONSTRUCTION ACTIVITIES WOULD NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED HABITAT MUST BE COMPLETED BY A QUALIFIED ACOUSTICIAN (POSSESSING CURRENT NOISE ENGINEER LICENSE OR REGISTRATION WITH MONITORING NOISE LEVEL EXPERIENCE WITH LISTED ANIMAL SPECIES) AND APPROVED BY THE ADD OF LDR AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES DURING THE BREEDING SEASON, AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; OR
 - III. *AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES, UNDER THE DIRECTION OF A QUALIFIED ACOUSTICIAN, NOISE ATTENUATION MEASURES (e.g., BERMS, WALLS) SHALL BE IMPLEMENTED TO ENSURE THAT NOISE

LEVELS RESULTING FROM CONSTRUCTION ACTIVITIES WILL NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF HABITAT OCCUPIED BY THE COASTAL CALIFORNIA GNATCATCHER. CONCURRENT WITH THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES AND THE CONSTRUCTION OF NECESSARY NOISE ATTENUATION FACILITIES, NOISE MONITORING* SHALL BE CONDUCTED AT THE EDGE OF THE OCCUPIED HABITAT AREA TO ENSURE THAT NOISE LEVELS DO NOT EXCEED 60 dB(A) HOURLY AVERAGE. IF THE NOISE ATTENUATION TECHNIQUES IMPLEMENTED ARE DETERMINED TO BE INADEQUATE BY THE QUALIFIED ACOUSTICIAN OR BIOLOGIST, THEN THE ASSOCIATED CONSTRUCTION ACTIVITIES SHALL CEASE UNTIL SUCH TIME THAT ADEQUATE NOISE ATTENUATION IS ACHIEVED OR UNTIL THE END OF THE BREEDING SEASON (AUGUST 16).

* Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the ADD of LDR, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

- B. IF COASTAL CALIFORNIA GNATCATCHERS ARE NOT DETECTED DURING THE INITIAL SURVEY, THE QUALIFIED BIOLOGIST SHALL SUBMIT SUBSTANTIAL EVIDENCE TO THE ADD OF LDR AND APPLICABLE RESOURCE AGENCIES WHICH DEMONSTRATES WHETHER OR NOT MITIGATION MEASURES SUCH AS NOISE WALLS ARE NECESSARY BETWEEN MARCH 1 AND AUGUST 15 AS FOLLOWS:
- C. IF THIS EVIDENCE INDICATES THE POTENTIAL IS HIGH FOR COASTAL CALIFORNIA GNATCATCHER TO BE PRESENT BASED ON HISTORICAL RECORDS OR SITE CONDITIONS, THEN CONDITION A.III SHALL BE ADHERED TO AS SPECIFIED ABOVE. IF THIS EVIDENCE CONCLUDES THAT NO IMPACTS TO THIS SPECIES ARE ANTICIPATED, NO MITIGATION MEASURES WOULD BE NECESSARY.

LEAST BELL'S VIREO (State Endangered/Federally Endangered)

NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES SHALL OCCUR BETWEEN MARCH 15 AND SEPTEMBER 15, THE BREEDING SEASON OF THE LEAST BELL'S VIREO, UNTIL THE FOLLOWING REQUIREMENTS HAVE BEEN MET TO THE SATISFACTION OF THE CITY MANAGER ADD/ENVIRONMENTAL DESIGNEE:

A. A QUALIFIED BIOLOGIST (POSSESSING A VALID ENDANGERED SPECIES ACT SECTION 10(a)(1)(A) RECOVERY PERMIT) SHALL SURVEY THOSE WETLAND AREAS THAT WOULD BE SUBJECT TO CONSTRUCTION NOISE LEVELS EXCEEDING 60 DECIBELS [dB(A)] HOURLY AVERAGE FOR THE PRESENCE OF THE LEAST BELL'S VIREO. SURVEYS FOR THIS SPECIES SHALL BE CONDUCTED PURSUANT TO THE PROTOCOL SURVEY GUIDELINES ESTABLISHED BY THE U.S. FISH AND WILDLIFE SERVICE WITHIN THE BREEDING SEASON PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. IF THE LEAST BELL'S VIREO IS PRESENT, THEN THE FOLLOWING CONDITIONS MUST BE MET:

1. BETWEEN MARCH 15 AND SEPTEMBER 15, NO CLEARING, GRUBBING, OR GRADING OF OCCUPIED LEAST BELL'S VIREO HABITAT SHALL BE PERMITTED. AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; AND
2. BETWEEN MARCH 15 AND SEPTEMBER 15, NO CONSTRUCTION ACTIVITIES SHALL OCCUR WITHIN ANY PORTION OF THE SITE WHERE CONSTRUCTION ACTIVITIES WOULD RESULT IN NOISE LEVELS EXCEEDING 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED LEAST BELL'S VIREO OR HABITAT. AN ANALYSIS SHOWING THAT NOISE GENERATED BY CONSTRUCTION ACTIVITIES WOULD NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED HABITAT MUST BE COMPLETED BY A QUALIFIED ACOUSTICIAN (POSSESSING CURRENT NOISE ENGINEER LICENSE OR REGISTRATION WITH MONITORING NOISE LEVEL EXPERIENCE WITH LISTED ANIMAL SPECIES) AND APPROVED BY THE CITY MANAGER AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES. PRIOR TO THE COMMENCEMENT OF ANY OF CONSTRUCTION ACTIVITIES DURING THE BREEDING SEASON, AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; OR
3. AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES, UNDER THE DIRECTION OF A QUALIFIED ACOUSTICIAN, NOISE ATTENUATION MEASURES (e.g., BERMS, WALLS) SHALL BE IMPLEMENTED TO ENSURE THAT NOISE LEVELS RESULTING FROM CONSTRUCTION ACTIVITIES WILL NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF HABITAT OCCUPIED BY THE LEAST BELL'S VIREO. CONCURRENT WITH THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES AND THE CONSTRUCTION OF NECESSARY NOISE ATTENUATION FACILITIES, NOISE MONITORING* SHALL BE CONDUCTED AT THE EDGE OF THE OCCUPIED HABITAT AREA TO ENSURE THAT

NOISE LEVELS DO NOT EXCEED 60 dB(A) HOURLY AVERAGE. IF THE NOISE ATTENUATION TECHNIQUES IMPLEMENTED ARE DETERMINED TO BE INADEQUATE BY THE QUALIFIED ACOUSTICIAN OR BIOLOGIST, THEN THE ASSOCIATED CONSTRUCTION ACTIVITIES SHALL CEASE UNTIL SUCH TIME THAT ADEQUATE NOISE ATTENUATION IS ACHIEVED OR UNTIL THE END OF THE BREEDING SEASON (SEPTEMBER 16).

* Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the ~~City Manager~~ ADD/Environmental Designee, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

- B. IF LEAST BELL'S VIREO ARE NOT DETECTED DURING THE PROTOCOL SURVEY, THE QUALIFIED BIOLOGIST SHALL SUBMIT SUBSTANTIAL EVIDENCE TO THE CITY MANAGER AND APPLICABLE RESOURCE AGENCIES WHICH DEMONSTRATES WHETHER OR NOT MITIGATION MEASURES SUCH AS NOISE WALLS ARE NECESSARY BETWEEN MARCH 15 AND SEPTEMBER 15 AS FOLLOWS:
1. IF THIS EVIDENCE INDICATES THE POTENTIAL IS HIGH FOR LEAST BELL'S VIREO TO BE PRESENT BASED ON HISTORICAL RECORDS OR SITE CONDITIONS, THEN CONDITION A.III SHALL BE ADHERED TO AS SPECIFIED ABOVE.
 2. IF THIS EVIDENCE CONCLUDES THAT NO IMPACTS TO THIS SPECIES ARE ANTICIPATED, NO MITIGATION MEASURES WOULD BE NECESSARY.

SOUTHWESTERN WILLOW FLYCATCHER (Federally Endangered)

NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES SHALL OCCUR BETWEEN MAY 1 AND SEPTEMBER 1, THE BREEDING SEASON OF THE SOUTHWESTERN WILLOW FLYCATCHER, UNTIL THE FOLLOWING REQUIREMENTS HAVE BEEN MET TO THE SATISFACTION OF THE ~~CITY MANAGER~~ ADD/ENVIRONMENTAL DESIGNEE:

- A. A QUALIFIED BIOLOGIST (POSSESSING A VALID ENDANGERED SPECIES ACT SECTION 10(a)(1)(A) RECOVERY PERMIT) SHALL SURVEY THOSE WETLAND AREAS THAT WOULD BE SUBJECT TO CONSTRUCTION NOISE LEVELS EXCEEDING 60 DECIBELS [dB(A)] HOURLY AVERAGE FOR THE PRESENCE OF THE SOUTHWESTERN WILLOW FLYCATCHER. SURVEYS FOR THIS SPECIES SHALL BE CONDUCTED PURSUANT TO THE PROTOCOL SURVEY GUIDELINES

ESTABLISHED BY THE U.S. FISH AND WILDLIFE SERVICE WITHIN THE BREEDING SEASON PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION. IF THE SOUTHWESTERN WILLOW FLYCATCHER IS PRESENT, THEN THE FOLLOWING CONDITIONS MUST BE MET:

BETWEEN MAY 1 AND SEPTEMBER 1, NO CLEARING, GRUBBING, OR GRADING OF OCCUPIED SOUTHWESTERN WILLOW FLYCATCHER HABITAT SHALL BE PERMITTED. AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; AND

BETWEEN MAY 1 AND SEPTEMBER 1, NO CONSTRUCTION ACTIVITIES SHALL OCCUR WITHIN ANY PORTION OF THE SITE WHERE CONSTRUCTION ACTIVITIES WOULD RESULT IN NOISE LEVELS EXCEEDING 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED SOUTHWESTERN WILLOW FLYCATCHER HABITAT. AN ANALYSIS SHOWING THAT NOISE GENERATED BY CONSTRUCTION ACTIVITIES WOULD NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED HABITAT MUST BE COMPLETED BY A QUALIFIED ACOUSTICIAN (POSSESSING CURRENT NOISE ENGINEER LICENSE OR REGISTRATION WITH MONITORING NOISE LEVEL EXPERIENCE WITH LISTED ANIMAL SPECIES) AND APPROVED BY THE CITY MANAGER AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES DURING THE BREEDING SEASON, AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; OR

AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES, UNDER THE DIRECTION OF A QUALIFIED ACOUSTICIAN, NOISE ATTENUATION MEASURES (e.g., BERMS, WALLS) SHALL BE IMPLEMENTED TO ENSURE THAT NOISE LEVELS RESULTING FROM CONSTRUCTION ACTIVITIES WILL NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF HABITAT OCCUPIED BY THE SOUTHWESTERN WILLOW FLYCATCHER. CONCURRENT WITH THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES AND THE CONSTRUCTION OF NECESSARY NOISE ATTENUATION FACILITIES, NOISE MONITORING* SHALL BE CONDUCTED AT THE EDGE OF THE OCCUPIED HABITAT AREA TO ENSURE THAT NOISE LEVELS DO NOT EXCEED 60 dB(A) HOURLY AVERAGE. IF THE NOISE ATTENUATION TECHNIQUES IMPLEMENTED ARE DETERMINED TO BE INADEQUATE BY THE QUALIFIED ACOUSTICIAN OR BIOLOGIST, THEN THE ASSOCIATED CONSTRUCTION ACTIVITIES SHALL CEASE UNTIL SUCH TIME THAT ADEQUATE NOISE ATTENUATION IS ACHIEVED OR UNTIL THE END OF THE BREEDING SEASON (SEPTEMBER 1).

* Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the ~~City Manager~~ ADD/Environmental Designee, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

B. IF SOUTHWESTERN WILLOW FLYCATCHER ARE NOT DETECTED DURING THE PROTOCOL SURVEY, THE QUALIFIED BIOLOGIST SHALL SUBMIT SUBSTANTIAL EVIDENCE TO THE ~~CITY MANAGER~~ ADD/ENVIRONMENTAL DESIGNEE, AND APPLICABLE RESOURCE AGENCIES WHICH DEMONSTRATES WHETHER OR NOT MITIGATION MEASURES SUCH AS NOISE WALLS ARE NECESSARY BETWEEN MAY 1 AND SEPTEMBER 1 AS FOLLOWS:

1. IF THIS EVIDENCE INDICATES THE POTENTIAL IS HIGH FOR SOUTHWESTERN WILLOW FLYCATCHER TO BE PRESENT BASED ON HISTORICAL RECORDS OR SITE CONDITIONS, THEN CONDITION A.III SHALL BE ADHERED TO AS SPECIFIED ABOVE.
2. IF THIS EVIDENCE CONCLUDES THAT NO IMPACTS TO THIS SPECIES ARE ANTICIPATED, NO MITIGATION MEASURES WOULD BE NECESSARY.

Raptors and Burrowing Owls

1. If the site has a potential to support nests and nesting raptors. If nests are present during construction, compliance with the Migratory Bird Treaty Act/Section 3503 would preclude the potential for direct impacts.
2. If there is a potential for indirect noise impacts to nesting raptors, prior to any construction within the nesting/breeding season (February 1 through September 15) and for the Northern harrier (February 1 through August 31) the biologist shall conduct a preconstruction survey to determine the presence of active raptor nests. If active nests are detected the biologist in consultation with EAS staff shall establish a species appropriate noise buffer zone. The size and configuration of buffers shall be based on the proximity of active nests to construction, existing disturbance levels, topography, the sensitivity of the species, and other factors, and shall be established through coordination with the Department of Fish and Game. If active nests are detected, construction activities shall be prohibited within 300 feet of the nest until after the raptor breeding season has ended (defined as February 1 -- August 31) or until the fledglings have left the nest. No construction shall occur within this zone during the raptor breeding season.

VI. PUBLIC REVIEW DISTRIBUTION:

Draft copies or notice of this Mitigated Negative Declaration were distributed to:

State of California

- Department of Fish and Game (32)
- Resources Agency (43)
- Regional Water Quality Control Board (44)
- Clearinghouse (46)
- Coastal Commission (47)
- Water Resources Control Board (55)
- Native American Heritage Commission (56)
- Parks & Recreation – Tijuana River Natural Estuarine Reserve (229)
- Parks & Recreation – Southern Service Center (428)

County of San Diego

- Planning and Land Use (68)
- Public Works (70/72)
- Water Authority (73)
- Environmental Health Services (75)
- Land & Water Quality Division (76)

City of San Diego

- Mayor's Office (91)
- Councilmember Peters, District 1 (MS 10A)
- Councilmember Faulconer, District 2 (MS 10A)
- Councilmember Atkins, District 3 (MS 10A)
- Councilmember Young, District 4 (MS 10A)
- Councilmember Maienschein, District 5 (MS 10A)
- Councilmember Frye, District 6 (MS 10A)
- Councilmember Madaffer, District 7 (MS 10A)
- Councilmember Hueso, District 8 (MS 10A)
- City Planning and Community Investment Department
- Development Services Department
- Real Estate Assets Department (85)
- Environmental Services Department (93A)
- Engineering and Capital Projects Department (86)
- General Services Department (92)
- Steve Fontana (80)
- Library Department (81)
- All City Libraries (81A-81KK)
- Metropolitan Wastewater Department (86B)
- Park and Recreation Department (89)
- Water Department (86A)
- Office of the City Attorney, Shirley Edwards (MS
- Historic Resources Board (87)
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 Manzanita Band of Mission Indians
 Sycuan Band of Mission Indians
 Viejas Group of Capitan Grande Band of Mission Indians
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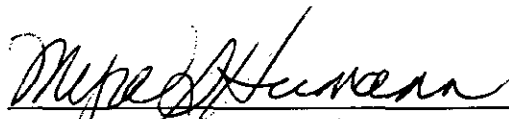
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S. Wayne Rosenbaum
Jim Varnadore
Jennifer Wirsing – Rick Engineering
Dennis Bolling – Rick Engineering
Jayne Janda-Timba – Rick Engineering
Brendan Hastie – Rick Engineering
Doug Grote – Just Star Construction
Fred Jacobsen – SDG&E
Scott Malloy – BIA
Jim Kilgore – Shea Homes
David Nyby – Shea Homes
Greg Ponce – Shea Homes
Bill Moser – Nasland Engineering
Bon Haynes – Nasland Engineering
David Wiener – RBF Consulting
Eric Elmore – RBF Consulting
Scott Cartwright - RBF Consulting
Rich Lucera – RBF Consulting
Jim Hettinger – Nolte & Associates, Inc.
Jennifer Crain –Nolte & Associates, Inc.
Jorge Palacios – JP Engineering
Joe Loeffelholz – JP Engineering
Thom Fuller – McMillin
Paul Manning -McMillin Land Development
David McInvol – Pacific Corrugated
Sandee Knuckey -Pacific Corrugated

Darlene Szczublewski – PDC
Debby Reese -PDC
Chuck Spinks - Kimley-Horn
Gabriel Solmer – San Diego Coastkeeper
Mike Kimberlain –Kristar
Crystal Najera – PBS&J Consultant
Steven Scott
Jim Hook – Adams Engineering
Eric Bowlby
Tony Oleksonm – Latitude 33
John Eardensohn – Latitue 33
Annie Aguilar -San Dieguito Engineering
Jerry Livingston
Tershia d'Elgin
Ed Kimura

VII. RESULTS OF PUBLIC REVIEW:

- () No comments were received during the public input period.
- () Comments were received but did not address the draft Mitigated Negative Declaration finding or the accuracy/completeness of the Initial Study. No response is necessary. The letters are attached.
- (X) Comments addressing the findings of the draft Mitigated Negative Declaration and/or accuracy or completeness of the Initial Study were received during the public input period. The letters and responses follow.

Copies of the draft Mitigated Negative Declaration; the Mitigation, Monitoring, and Reporting Program; and any Initial Study material are available in the office of the Land Development Review Division for review or for purchase at the cost of reproduction.


Myra Herrmann, Senior Planner
Development Services Department

September 10, 2007
Date of Draft Report

Analyst: Myra Herrmann

October 19, 2007
Date of Final Report



ARNOLD SCHWARZENEGGER
GOVERNOR

STATE OF CALIFORNIA

GOVERNOR'S OFFICE of PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT
DIRECTOR

October 12, 2007

Myra Herrmann
City of San Diego
1222 First Avenue, MS-501
San Diego, CA 92106

Subject: Urban Runoff Management Plans
SCH#: 2007091059

Dear Myra Herrmann:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on October 11, 2007, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

RESPONSE TO COMMENTS

Stateclearing House
(October 12, 2007)

1. Comment acknowledged.

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 904
SACRAMENTO, CA 95814
(916) 853-6251
Fax (916) 857-6390
Web Site www.nahc.ca.gov
e-mail: dn_nahc@pacbell.net



September 18, 2007

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SEP. 26 2007

STATE CLEARING HOUSE

Clear
10/11/07

e

Ms. Myra Herrmann, Project Planner/Archaeologist
City of San Diego
1222 First Avenue, MS 501
San Diego, CA 92108

Re: SCH#2007091059: CEQA Notice of Completion: draft Mitigated Negative Declaration for URBAN RUNOFF
MANAGEMENT PLANS, Citywide Project #134590, City of San Diego, San Diego County, California

Dear Ms. Herrmann: Myra

The Native American Heritage Commission is the state's Trustee Agency for Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per CEQA guidelines § 15064.5(b)(c). In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action in the locations where the Storm Water Pollution Prevention activity will take place:

- ✓ Contact the South Coast Information Center (CHRIS) located at San Diego State University. If need-be, contact information for the Information Center nearest you is available from the State Office of Historic Preservation (916) 653-7278 by <http://www.ohp.parks.ca.gov/1068/files/CA%20Roster.pdf>. The record search will determine:
 - If a part or the entire APE has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded in or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological information center.
- ✓ Contact the Native American Heritage Commission (NAHC) for:
 - A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity that may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range and section.
 - The NAHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact (APE). In some cases, the existence of a Native American cultural resources may be known only to a local tribe(s).
- ✓ Lack of surface evidence of archaeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archaeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
- ✓ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.
 - CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the Initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the

RESPONSE TO COMMENTS

Native American Heritage Commission
(September 26, 2007)

2. Comment acknowledged. This comment letter contains recommended assessment and mitigation measures necessary for projects which may impact sensitive Native American resources. It should be noted that the mitigation program was recently updated to incorporate Native American participation in all aspects of the program, and to incorporate revisions to the Public Resources Code section related to the treatment of human remains. In addition, all future projects will be evaluated in accordance with the provisions of CEQA, using the methodology incorporated into the City's Draft General Plan. If a future project would result in a direct impact to an important archaeological site or Native American Traditional Cultural Property, this MND could not be added. Rather, additional evaluation would be required which includes Native American participation, and a separate environmental document would be prepared.

2.

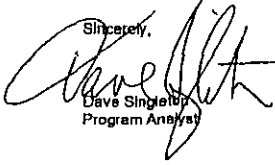
NAJHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave sites.

✓ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the CEQA Guidelines mandate procedures to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

✓ Lead agencies should consider avoidance, as defined in § 15370 of the CEQA Guidelines, when significant cultural resources are discovered during the course of project planning and implementation.

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,



Dave Singleton
Program Analyst

Attachment: List of Native American Contacts

RESPONSE TO COMMENTS

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From: "Fairmount Park Association" <fairmountpark92105@yahoo.com>
 To: <dsdeas@sandiego.gov>
 Date: Sun, Oct 7, 2007 2:09 PM
 Subject: Project 134590 Urban Runoff Management Plans MND

To: Myra Herrmann, Environmental Planner DSD
 From: Russ Connelly, President FPNA
 Subject: Project 134590

On review of the Mitigated Negative Declaration for the City's Urban Runoff Management Plan, I have a few points of clarification to offer:

3.

First, in several places in this MND "City Manager" is mentioned as the authority in charge of decision making. Please revise to "Mayor" to reflect the current system in place.

4.

Second, regarding section VIII subsections C and E of the Initial Study Checklist: There are several known sites that currently contain parking lots of City owned facilities that have or are suspected to contain contaminated soil beneath their pavements such as at the San Diego Sports Arena (former dump site) and Qualcomm Stadium (petroleum contamination from nearby tank farms). These sites may contain significant amounts of hazardous materials in the ground below the pavements and could be disturbed during the work outlined in this MND. Further, there are several known sites throughout the Mid City area that contain former dumpsites which may or may not contain potential hazardous materials beneath City property, streets and right-of-ways.

5.

It is the opinion of the Fairmount Park Neighborhood Association that these sections of the initial study should reflect a finding of "maybe" instead of "no" in light of the possibility for finding potential hazardous materials on these lands.

Yahoo! oneSearch: Finally, mobile search that gives answers, not web links.
<http://mobile.yahoo.com/mobileweb/onesearch?refer=1ONXIC>

RESPONSE TO COMMENTS

Fairmount Park Association
 (October 7, 2007 – via email)

3. The suggested revisions have been made to the MND, Mitigation Monitoring and Reporting Program (MMRP) reflecting a change from "City Manager" to "Assistant Deputy Director Environmental Designee" which assumes the role on behalf of the Mayor for MMRP compliance.
4. Staff concurs with the comment regarding the potential for City owned facilities to contain below grade soil contamination and/or hazardous materials. As such, during preliminary design review for future projects the County's Department of Environmental Health (DEH), Site Assessment Management listing would be searched to determine the likelihood for potential hazardous as noted above to be encountered during construction. Should any portion of a contaminated site, such as but not limited to underground storage tanks, soil contamination, burn ash, etc., be identified within the project boundary, then this MND could not be utilized for the activity. As such, additional evaluation would be required for compliance with County regulations and disclosed in a separate MND for the project. It is anticipated that this document would only be used for activities which would not result in impacts or hazards which require further analysis and preparation of technical studies with specific mitigation.
5. Please see Response to Comment 4. This environmental document would not be used for activities which would result in impacts requiring the preparation of technical studies and provisions for mitigation not covered by this MND. It should be noted, that the regulatory authority for soil contamination and other hazardous material issues lies with the County DEH. Verification of compliance with County regulations is required prior to issuance of any construction permit. Therefore, since it is assumed that this document would only be used for activities which do not have a potential for exposing people or the environment to a significant hazard or would create a health hazard, the Initial Study checklist has not revised as suggested.



A Semptra Energy utility™

October 9, 2007

SFH 200.282

RESPONSE TO COMMENTS

San Diego Gas & Electric Company (SDG&E)
(October 9, 2007)

Myra Herrmann
Environmental Planner
City of San Diego Development Services Center
1222 First Avenue, MS 501
San Diego, Ca 92101

E-mailed to DSDEAS@sandiego.gov on October 9, 2007

Re: **Project No. 134590; Urban Runoff Management Plans**
Comments on the Mitigated Negative Declaration

Dear Ms. Herrmann:

6. San Diego Gas & Electric Company (SDG&E) has reviewed the City of San Diego's Mitigated Negative Declaration (MND) for the Urban Runoff Management Plans (Plans) and submits the following comments. Based on language throughout the MND, SDG&E assumes the Plans only affect capital improvement programs sponsored by the City. SDG&E further assumes that typical public utility activities located within franchise position or street right-of-way will not be subject to the proposed mitigation measures for impacts to historical resources, paleontological resources and land use (MHPA Land Use Adjacency). If this is not the case, then SDG&E reserves the right to participate further in the public environmental review process and comment on the implications of such applicability.

Sincerely,

Tom G. Acuna
Land Planning Supervisor
(858) 637-3701
(619) 884-0566 Cell

6. According to General Services Stormwater staff, any project within the City of San Diego is subject to the applicability criteria of the City's Stormwater Standards. However, staff acknowledges that SDG&E has its own stormwater staff which reviews projects to ensure compliance with regulatory requirements and would implement all applicable construction Best Management Practice's (BMPs). Regarding the provision for archaeological and paleontological monitoring, where a proposed activity in the public right-of-way (PROW) has the potential to impact the above resources (outside of known recorded archaeological sites), monitoring would be required unless of course no resources are identified during the records search. Additionally, the City retains the right to review any project w/in the PROW which would result in impacts to environmental resources, including but not limited to historical archaeological and/or Native American resources to ensure compliance with the Federal, State and Local codes and regulations. City Environmental staff intends to provide SDG&E Environmental staff with information regarding areas which the City considers as highly sensitive with respect to archaeology. These areas would require additional review/evaluation before any permits can be issued or an environmental document can be prepared.



San Diego County Archaeological Society, Inc.

Environmental Review Committee

14 October 2007

RESPONSE TO COMMENTS

San Diego County Archaeological Society
(October 14, 2007)

To: Ms. Myra Herrmann
Development Services Department
City of San Diego
1222 First Avenue, Mail Station 501
San Diego, California 92101

Subject: Draft Mitigated Negative Declaration
Urban Runoff Management Plans
Project No. 134590

7. Comment acknowledged.

Dear Ms. Herrmann:

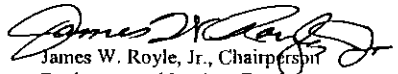
I have reviewed the subject DMND on behalf of this committee of the San Diego County Archaeological Society.

7.

Based on the information contained in the DMND and initial study, we agree with the impact analysis and mitigation measures as proposed.

Thank you for including SDCAS in the public review of this DMND.

Sincerely,


James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: SDCAS President
File

California Native Plant Society

Myra Herrmann
City of San Diego Development Services Center
1222 First Avenue MS 501
San Diego CA 92101
DSDEAS@sandiego.gov

September 20, 2007

RESPONSE TO COMMENTS

California Native Plant Society
(September 20, 2007)

Re: Urban Runoff Management Plan, Draft MND, Project 134590

Dear Ms. Herrmann;

We wish to make the following comments on the Mitigated Negative Declaration for the Urban Runoff Management Plan:

8. We would like the document to include consideration of effects on wetlands, either positive or negative, of the proposed activities. Presumably, water will be captured by the Low Impact Development and Treatment Control Best Management Practices. How this water is released will affect current and potential wetlands downstream. In the best case scenario, these modifications will decrease erosion in San Diego's creeks and canyons while also delivering sufficient water to support increased acreage of wetlands. In the worst case scenario, water will be diverted from wetlands and lead to a decline in extent of riparian forest and other habitat types that depend on year-round water.

9. Additionally, some sensitive species are dependent on particular types of riparian habitat. For example, Willoway monardella inhabits braided stream channels that are relatively free from dense shrubs. Practices upstream should take into consideration the effects on the required downstream habitat for this species.

10. Second, under LAND USE (MHPA – LAND USE ADJACENCY GUIDELINES), paragraph 6: please change "hay bales" to "weed-free straw bales". We also recommend that the City prohibit the use of straw wattles bound with plastic netting. In our experience, these wattles are never removed from sites. Since the plastic does not degrade, this results in permanent installation of plastic trash, which is unsightly and has been reported to trap and kill birds and reptiles.

Thank you for your consideration.

Sincerely,

Carrie Schneider, Board Member
San Diego Chapter of the California Native Plant Society
P O Box 121390, San Diego CA 92112-1390
(858) 352-4413 (day), info@cnpsd.org



Dedicated to the preservation of California native flora

8. According to the Regional Board in their June 25, 2007, Response to Comments for the Bacteria Impaired Waters, TMDL Project 1 for Beaches and Creeks, regarding impacts from different stormwater regulations, a reduction or loss in dry weather flows may affect the present habitats found in the watersheds; however, improvements in the water quality of the remaining water in the streams should be beneficial to the wildlife. The Regional Board response goes on to state that "summertime dry weather flow in the watersheds that existed before extensive urban development in the watershed likely was supported by groundwater seepage into the channel. Since there is no groundwater development in the watersheds to lower the water table, dry weather base flow from groundwater seepage is likely to be at or higher than under pre-development conditions, due to a rise in the groundwater table from irrigation water recharge. Eliminating nuisance flows should not alter the dry weather flow in the watersheds due to groundwater seepage. Thus, stream reaches with perennial stream flow and riparian or wetland habitats should not diminish below pre-development levels."
9. Comment acknowledged. See Response to Comment No. 8.
10. Paragraph 6 under Land Use (MHPA – Land Use Adjacency Guidelines) has been revised to read: "weed-free hay or straw bales" as recommended.

City of San Diego
Development Services Department
LAND DEVELOPMENT REVIEW DIVISION
1222 First Avenue, Mail Station 501
San Diego, CA 92101-4101
(619) 446-6460

INITIAL STUDY
Project No. 134590
SCH No. 2007091059

SUBJECT: **URBAN RUNOFF MANAGEMENT PLANS. CITY COUNCIL APPROVAL** of one (1) updated Jurisdictional Urban Runoff Management Plan (JURMP) and associated ordinance amendments and amendments to the Land Development Manual, six (6) updated Watershed Urban Runoff Management Plans (WURMPs), and one (1) Regional Urban Runoff Management Plan (RURMP) outlining the efforts of the City of San Diego (City) to reduce and prevent, by itself and in coordination with other jurisdictions, urban runoff pollution pursuant to the San Diego Regional Water Quality Control Board Order No. R9-2007-0001 (Municipal Storm Water Permit). The City's efforts will incorporate both structural and non-structural activities throughout its jurisdiction. Applicant: City of San Diego, General Services Department, Storm Water Pollution Prevention Division.

I. PURPOSE AND MAIN FEATURES:

BACKGROUND

Pursuant to the Municipal Storm Water Permit, the Storm Water Pollution Prevention Division (Storm Water Division) in the General Services Department is updating the City's JURMP, which outlines the City's efforts to reduce urban runoff pollution within its jurisdiction. These efforts include: continued water quality monitoring and pollutant source studies to identify problems, problem areas, and problem sources/causes; modification of City ordinances, land use policies, and the Storm Water Standards Manual to further reduce the impact of new development and redevelopment on water quality; increased enforcement of the Storm Water Ordinance to encourage behaviors protective of water quality; increased education of residents and businesses of urban runoff pollution and ways to modify their behaviors that contribute pollutants; and continued training of municipal staff to implement best management practices (BMPs) in the course of their *duties to reduce and prevent the release of pollutants*. The Municipal Storm Water Permit requires the City to report annually on the progress of implementing its JURMP and, as necessary, update it. The City Council adopted the current JURMP via Resolution No. R-296019 on January 28, 2002.

In addition to the JURMP, the Storm Water Division is updating, in conjunction with other jurisdictions in the region, six WURMPs, one for each of the watershed management areas (WMAs) that the City has jurisdiction in: San Dieguito River, Los Peñasquitos, Mission Bay, San Diego River, San Diego Bay, and Tijuana River (see Figure 1). The Municipal Storm Water Permit requires the City to collaborate with the designated lead and other participating jurisdictions in

those WMAs to develop and implement activities that reduce urban runoff discharges from their storm drain systems that cause or contribute to a violation of water quality standards. These activities include: education and outreach; watershed- and water quality-based land use planning principles; outside stakeholder engagement and collaboration; and pollutant load reduction and pollutant source abatement. In particular, pollutant load reduction and pollutant source abatement activities may include Capital Improvement Projects (CIP) and other structural solutions. The Municipal Storm Water Permit requires the City to develop a five-year plan of activities with the other jurisdictions for each of its WMAs and to report annually on the progress of implementing the plan.

The City is also in the process of developing the RURMP with the other jurisdictions subject to the Municipal Storm Water Permit in the region. The RURMP would outline the planned efforts of the jurisdictions to address water quality problems that are of regional concern. It is anticipated that much of the efforts in the short run would be education- and outreach-oriented.

During future construction related activities, anticipated work hours would occur during the daytime, Monday through Friday. The contractor would comply with the requirements described in the *Standard Specifications for Public Works Construction*, and California Department of Transportation *Manual of Traffic Controls for Construction and Maintenance Work Zones*. A traffic control plan would be prepared and implemented in accordance with the *City of San Diego Standard Drawings Manual of Traffic Control for Construction and Maintenance Work Zones*.

PROGRAM ACTIVITY TYPES

For the purposes of this Initial Study, the City's proposed activities per program were grouped into different types, and each type was analyzed for potential impacts. Because the JURMP, WURMPs, and RURMP are planning documents that outline broad efforts to be implemented in upcoming fiscal years, many activities incorporated into the documents are still conceptual in nature to be further developed in the future. However, enough is known about each activity type to be able to conduct analysis at a programmatic level.

1. The **JURMP** would consist of the following activity types:

- Water Quality Monitoring and Pollutant Source Characterization: These activities would identify and allow for the prioritization of water quality problems, problem areas, and problem sources/causes.
- Education, Training, and Outreach: These activities include educating residents and businesses through a variety of techniques of urban runoff pollution and ways to modify their behaviors that contribute pollutants; training municipal staff to implement BMPs in the course of their duties to reduce and prevent the release of pollutants; and reaching out to engage stakeholders in the planning, development, and implementation of the urban runoff pollution prevention efforts.
- Inspection, Investigation, and Enforcement: These activities involve enforcement of the Storm Water Ordinance through business inspections, potential discharge investigations, prosecution, and education to encourage behaviors protective of water quality.

- Good Housekeeping BMPs: These are urban runoff pollution prevention measures typically implemented during the course of a City employee's daily activities/duties to prevent or minimize the production of pollutants or the exposure thereof to runoff. Examples include dry sweeping instead of hosing down driveways, covering trash bins, making spill kits available, regularly checking fueling stations for leaks, using the correct amount of pesticides/fertilizers, keeping animal facilities free of exposed wastes, etc.
- Land Use Planning: These activities involve implementing land use policies via modifications to the General Plan and Community Plans that incorporate urban runoff pollution prevention principles and practices in the management and development/redevelopment of land.

STORM WATER STANDARDS MANUAL UPDATE

Also, as part of the **JURMP**, updates to the City's Storm Water Standards Manual would be made to effect the following requirements pursuant to the Municipal Storm Water Permit:

- Advanced Treatment: Require implementation of advanced treatment (i.e., use of mechanical or chemical means to flocculate and remove suspended sediment from runoff from construction sites prior to discharge) for sediment at construction sites determined to be an exceptional threat to water quality
- Phased Grading: Update grading requirements to better institute grading in phases to minimize exposed disturbed areas subject to erosion at any one time
- Low Impact Development (LID): Require identified development projects to implement LID BMPs, which will collectively minimize directly connected impervious areas and promote infiltration on site.
- Treatment Control BMPs: Require identified development projects to implement treatment control BMPs, which mitigate (infiltrate, filter, or treat) the required site-specific volume or flow of storm water runoff
- BMP Ranking: Rank treatment control BMPs per pollutant removal efficiency and develop sizing and design criteria to incorporate into existing development regulations to guide developers of identified development projects in implementing treatment control BMPs
- Hydromodification: Develop and implement a Hydromodification Management Plan to manage increases in runoff discharge rates and durations from identified development projects, where such increased rates and durations are likely to cause increased erosion of channel beds and banks, sediment pollutant generation, or other impacts to beneficial uses and stream habitat due to increased erosive force

INDUSTRIAL, COMMERCIAL, AND RESIDENTIAL BMP REQUIREMENTS

The **JURMP** would also designate and describe a minimum set of BMPs for all industrial and commercial sites/sources and for high threat to water quality residential areas and activities. These BMPs would consist of good housekeeping practices to prevent or minimize the production of pollutants or the exposure thereof to runoff, such as dry sweeping instead of hosing down driveways, covering trash bins, making spill kits available, regularly checking

fueling stations for leaks, using the correct amount of pesticides/fertilizers, keeping animal facilities free of exposed wastes, picking up and properly disposing of pet wastes, avoiding excess irrigation of landscaping, etc. Table A (attached) provides a listing of the minimum required BMPs.

Initial enforcement of the required minimum BMPs would be primarily through educational efforts. Notices of Violation (NOVs) without a monetary fine may also be issued to businesses, industries, or residents. However, it should be noted, that NOVs may be subject to a monetary fines in the future.

2. The **WURMPs** would consist of the following activity types:

- Water Quality Monitoring and Pollutant Source Characterization: These activities would identify and allow for the prioritization of water quality problems, problem areas, and problem sources/causes.
- Education, Training, and Outreach: These activities include educating residents and businesses through a variety of techniques of urban runoff pollution and ways to modify their behaviors that contribute pollutants; training municipal staff to implement BMPs in the course of their duties to reduce and prevent the release of pollutants; and reaching out to engage stakeholders in the planning, development, and implementation of the urban runoff pollution prevention efforts.
- Inspection, Investigation, and Enforcement: These activities involve enforcement of the Storm Water Ordinance through business inspections, potential discharge investigations, prosecution, and education to encourage behaviors protective of water quality.
- Watershed-Based Land Use Planning: These activities involve implementing land use policies that mandate the incorporation of urban runoff pollution prevention principles and practices in the management and development/redevelopment of land.
- Capital Improvement Projects: These activities include construction of treatment facilities, detention basins, street/parking lot improvements, storm drain improvements, dry weather flow diversions, and other significant structural controls to treat urban runoff of pollutants.
- Other Non-Structural Projects: These activities include trash cleanup sponsorships, targeted street sweeping, rain barrel/smart irrigation incentive programs, kelp removal, homeless encampment removal, doggie bag dispenser installation, sponsoring the operation and maintenance of detention basins, and other similar activities.

In particular, the CIPs in the **WURMPs** would, at the time of this analysis, include the following project types:

- Green Street – Infiltration: Replace sidewalks and asphalt paving with porous concrete sidewalks and porous asphalt paving and install planter boxes along residential right of ways in high pollutant loading areas to allow urban runoff to infiltrate into the ground, thereby reducing runoff volume and removing pollutants from the “first flush” of urban runoff

- Green Mall – Infiltration: Replace sidewalks and asphalt paving with porous concrete sidewalks and porous asphalt paving and install planter boxes along commercial/industrial right of ways in high pollutant loading areas to allow urban runoff to infiltrate into the ground, thereby reducing runoff volume and removing pollutants from the “first flush” of urban runoff
- Green Lot – Infiltration: Replace asphalt paving of parking lots with porous asphalt paving and install planter boxes in high pollutant loading areas to allow urban runoff to infiltrate into the ground, thereby reducing runoff volume and removing pollutants from the “first flush” of urban runoff
- Infiltration Vault/Pit Installation: Install underground vaults/pits with associated headworks to capture and store urban runoff and allow it to infiltrate into the ground, thereby reducing runoff volume and removing pollutants from the “first flush” of urban runoff
- Hydrodynamic Separator Installation: Install inlet devices that reduce runoff flow velocity and allow for settling of suspended solids
- Sediment and Peak Flow Control: Install devices primarily on City property to capture and temporarily store storm flows to allow for settling of pollutants and then treat/filter water before discharge
- Inlet Trash/Debris Segregation BMP: In conjunction with targeted street sweeping, install inlet devices to capture trash/debris prior to conveyance into local water bodies
- Bacteria Treatment BMP: Install devices or facilities to remove bacteria from runoff before discharge from MS4 and into receiving water bodies
- Dry Weather Diversion: Install inlet system to redirect dry weather runoff into sewage system for treatment instead of directly discharging often pollutant-laden dry weather and “first flush” flows into receiving water bodies

The other non-structural projects in the WURMPs would at the time of this analysis, include the following project types:

- Targeted Street Sweeping: Use specialized street sweepers and/or increase street sweeping efforts in areas identified as metals and trash high loading areas due high volumes of vehicular and human traffic and activity to reduce the accumulation of metals and trash before washed into MS4 and local water bodies via runoff
- Trash/Debris Cleanup: Sponsor local organizations’ cleanup efforts to remove litter from public areas and waterways before being washed out by runoff into local water bodies
- Smart Irrigation Control Incentive Program: Implement program to disseminate information and promote installation of devices through rebates or giveaways to reduce over irrigation and prevent irrigation flows from leaving landscaped areas, thereby reducing dry weather runoff volume with capacity to convey pollutants
- Downspout Redirection Incentive Program: Implement program to disseminate information and promote redirection of downspouts to landscaped areas for infiltration of roof runoff, thereby reducing runoff volume with capacity to convey pollutants
- Rain Barrel Incentive Program: Implement program to disseminate information and promote installation of rain water collection containers through rebates or giveaways to

harvest rain water for landscaping irrigation and other non potable uses, thereby reducing runoff volume with capacity to convey pollutants

3. The **RURMP** would consist primarily of the following activity types:

- Water Quality Monitoring and Pollutant Source Characterization: These activities would identify and allow for the prioritization of water quality problems, problem areas, and problem sources/causes.
- Education, Training, and Outreach: These activities include educating residents and businesses through a variety of techniques of urban runoff pollution and ways to modify their behaviors that contribute pollutants; training municipal staff to implement BMPs in the course of their duties to reduce and prevent the release of pollutants; and reaching out to engage stakeholders in planning, development, and implementation of the urban runoff pollution prevention efforts.

STORMWATER MANAGEMENT AND DISCHARGE CONTROL ORDINANCE UPDATE

As part of the update to the JURMP, two revisions to Section 43.03 of the Municipal Code, which is the City's Stormwater Management and Discharge Control Ordinance (Storm Water Ordinance), will be made: (1) to reference the new version of the Municipal Storm Water Permit; and (2) to modify the list of allowable discharges into the storm drain system presently found in Section 43.0305(b) to conform to the following non-storm water discharges list of the new Municipal Storm Water Permit:

- Diverted stream flows
- Rising ground waters
- Uncontaminated ground water infiltration to MS4s
- Uncontaminated pumped ground water
- Foundation drains
- Springs
- Water from crawl space pumps
- Footing drains
- Air conditioning condensation
- Flows from riparian habitats and wetlands
- Water line flushing
- Landscape irrigation
- Discharges from potable water resources not subject to NPDES Permit No. CAG679001, other than water main breaks
- Irrigation water
- Lawn watering
- Individual residential car washing
- Dechlorinated swimming pool discharges
- Emergency fire fighting flows

In addition, the Municipal Storm Water Permit lets each jurisdiction determine if any of the above allowable discharges should be prohibited because the jurisdiction has determined it to be a significant source of pollutants to the waters of the United States. As part of the revisions to the Storm Water Ordinance, the City will prohibit landscape irrigation and lawn watering discharges into the storm drain system by removing them from the list of allowable discharges.

The following is the current list of allowable non-storm water discharges per Section 43.0305(b) of the Municipal Code:

- Water line flushing and other discharges from potable water sources and raw water supply sources
- Landscape irrigation and lawn watering
- Rising ground waters or springs
- Uncontaminated pumped ground water not subject to any applicable NPDES Permit
- Passive foundation and footing drains
- Water from crawl space pumps
- Air conditioning condensation
- Non-commercial and residential washing of vehicles
- Flows from riparian habitats and wetlands
- Dechlorinated swimming pool discharges
- Flows from fire fighting

II. ENVIRONMENTAL SETTING:

JURMP

Implementation of the JURMP and the City's portion of the WURMPs would occur primarily at City buildings, operation yards, streets, parks, and other developed property. Monitoring, education/outreach, and enforcement activities would be implemented in residential, commercial, and industrial land use areas as deemed appropriate. These sites are outside of Environmentally Sensitive Lands (ESL) as defined in the Land Development Code (LDC), the Multi-Habitat Planning Area (MHPA), but could be within areas subject to the Historical Resources Regulation (HRR). Implementation of the activity types may occur within the State Coastal Zone and/or within the City of San Diego Coastal Zone. Surrounding land uses within the proposed project vicinities may include, but are not limited to, single-family residential, multi-family residential, commercial, industrial, parking lots, and public rights-of-way.

WURMPs

Implementation of the City's portion of the WURMPs would occur primarily at City buildings, operation yards, streets, parks, and other developed property. Monitoring, education/outreach, and enforcement activities would be implemented in residential, commercial, and industrial land use areas as deemed appropriate. These sites are outside of ESL, the MHPA, but could be within areas subject to the HRR. Implementation of the activity types may occur within the State Coastal Zone

and/or within the City of San Diego Coastal Zone. Surrounding land uses within the proposed project vicinities may include, but are not limited to, single-family residential, multi-family residential, commercial, industrial, parking lots, and public rights-of-way.

RURMP

Because of its education- and outreach-oriented nature, implementation of the City's portion of this document would occur primarily in residential, commercial, and industrial land use areas as deemed appropriate. These sites are outside of ESL, the MHPA, but could be within areas subject to the HRR. Implementation of the activity types may occur within the State Coastal Zone and/or within the City of San Diego Coastal Zone. Surrounding land uses within the proposed project vicinities may include, but are not limited to, single-family residential, multi-family residential, commercial, industrial, parking lots, and public rights-of-way.

III. ENVIRONMENTAL ANALYSIS: See attached Initial Study Checklist.

IV. DISCUSSION:

The following issue areas were determined to be not significant and therefore no mitigation is required:

WATER QUALITY

Urban runoff discharged from municipal storm water conveyance systems has been identified by local, regional, and national research programs as one of the principal causes of water quality problems in most urban areas. The proposed Urban Resource Management Plan updates, Ordinance revisions and Storm Water Standards Manual updates would ensure compliance with the City's Municipal Storm Water Permit. The proposed future activity types identified in the Purpose and Main Feature of the Initial Study would be designed to ensure that runoff and storm flows are diverted to inlets and treated on-site before being directed to the existing storm drain systems Citywide. In addition, compliance with the regulation is required during construction activities to reduce potential water quality impacts to below a level of significance; therefore no mitigation is required with this MND.

LAND USE

STORMWATER MANAGEMENT AND DISCHARGE CONTROL ORDINANCE UPDATE

Proposed revisions to Section 43.03 of the Municipal Code would be primarily administrative in nature and, therefore, would not have a significant impact on the environment. Removal of items from the list of allowable discharge, if the City deems them as significant sources of pollutants to the waters of the United States, would result in greater protection of the region's water quality and the environment in general.

JURMP

The following activity types contained in the JURMP would have a less than significant impact on the environment: water quality monitoring and pollutant source identification; education, training, and outreach; inspection, investigation, and enforcement; and good housekeeping BMPs (including those for municipal, industrial, commercial, and residential sites/sources). These activity types are non-structural in nature and would be implemented in the urbanized portions of the City outside of ESL and the MHPA. Although these activity types could be in areas subject to the HRR, they would not have a potential for resulting in either a direct physical change or a reasonably foreseeable indirect physical change in the environment.

LAND USE PLANNING

Conversely, the activity type of land use planning in the JURMP may have a potential for resulting in either a direct physical change or a reasonably foreseeable indirect physical change in the environment. However, because the proposed land use planning modifications are still conceptual in nature, no other determination other than future analysis under CEQA can be determined at this point. Any modifications to the City's land use planning policies would be subject to separate analysis under CEQA as they are developed.

STORM WATER STANDARDS MANUAL UPDATE

The proposed updates to the Storm Water Standards Manual regarding phased grading, treatment control BMP ranking, and hydromodification would have a less than significant impact on the environment. Implementation of these modifications would reduce erosion and the generation and release of other pollutants into urban runoff, protecting the water quality of local water bodies and, therefore, would have less than significant impact on the environment.

The proposed updates to the Storm Water Standards Manual regarding advanced treatment, LID, and treatment control BMPs would require the implementation, for certain development projects, of structural solutions to reduce urban runoff pollution. Assessment of possible future impacts of these development projects and associated structural solutions here would be remote and speculative. However, it is anticipated that these structural solutions would be integrated into the construction program of future development projects and into the development projects themselves and, therefore, would be part of the permit and approval review process for those projects. They would be implemented in the urbanized or future urbanizing portions of the City outside of ESL and the MHPA, but could be within areas subject to the HRR. Implementation of the development regulation modifications themselves would reduce the generation and release of pollutants into urban runoff, protecting the water quality of local water bodies and, therefore, would have a less than significant impact on the environment.

WURMP

The following activity types contained in the City's portion of the WURMPs would have a less than significant impact to the environment: water quality monitoring and pollutant source identification; education and outreach; inspection, investigation, and enforcement; and other non-structural projects. These activity types are non-structural in nature and would be implemented

in the urbanized portions of the City outside of ESL and the MHPA, but could be within areas subject to the HRR. However, because these activity types are non-structural, they would not have a potential for resulting in either a direct physical change or a reasonably foreseeable indirect physical change in the environment.

LAND USE PLANNING (WATERSHED-BASED)

Conversely, the activity type of land use planning (watershed-based) contained in the City's portion of the WURMPs would have a potential for resulting in either a direct physical change or a reasonably foreseeable indirect physical change in the environment. However, because the proposed land use planning modifications are still conceptual in nature, no other determination other than future analysis under CEQA can be determined at this point. Any watershed-based modifications to the City's land use planning policies would be subject to separate analysis under CEQA as they are developed.

CAPITAL IMPROVEMENT PROJECTS

CIPs contained in the City's portion of the WURMPs would have a potential for resulting in either a direct physical change or a reasonably foreseeable indirect physical change in the environment. These include projects involving the infiltration of runoff into the ground through pervious/porous material. Excessive groundwater infiltration has the potential to damage street sidewalk, and building improvements. Geotechnical evaluations of all potential project sites would be required in order to determine the feasibility of the sites for infiltration. Sites not feasible for infiltration would be abandoned in favor of those feasible. Such an evaluation would be necessary because the goal of the infiltration projects is to reduce urban runoff flows as much as feasible by allowing flows to soak into the ground in a manner engineered as to not compromise the integrity of nearby structures. The anticipated implementation of a geotechnical evaluation for future infiltration project sites would reduce the potential impacts to below a level of significance.

RURMP

The environmental analysis has determined that the following activity types contained in the RURMP would have a less than significant impact to the environment: water quality monitoring and pollutant source identification; and education, training, and outreach. These activity types are non-structural in nature and would be implemented in the urbanized portions of the City outside of ESL and the MHPA. They would not have a potential for resulting in either a direct physical change or a reasonably foreseeable indirect physical change in the environment.

POTENTIALLY SIGNIFICANT ENVIRONMENTAL ISSUES

Because future CIPs (i.e., Green Street – Infiltration, Green Mall – Infiltration, Green Lot – Infiltration, Infiltration Vault/Pit Installation, Hydrodynamic Separator Installation, Sediment and Peak Flow Control, Inlet Trash/Debris Segregation BMP, and Bacteria Treatment BMP, Dry Weather Diversion) included as part of the City's portion of the WURMPs would have a potential for resulting in either a direct physical change or a reasonably foreseeable indirect physical change

in the environment, the following environmental issues were analyzed and determined to be potentially significant: **HISTORICAL RESOURCES (ARCHAEOLOGY), PALEONTOLOGICAL RESOURCES, AND LAND USE (MHPA).**

LAND USE (MULTIPLE SPECIES CONSERVATION PROGRAM/ MULTI-HABITAT PLANNING AREA)

The Multiple Species Conservation Program (MSCP) is a conservation program designed to facilitate the implementation of a regional habitat preserve while allowing "take" of endangered species or habitats at the individual project level (City of San Diego 1997). This habitat preserve is known as the Multi-Habitat Planning Area (MHPA) and lands within it have been designated for conservation. The MHPA was designed to conserve biological resources considered sensitive by the resource agencies and by the City of San Diego.

Although no projected activity types would occur within the boundaries of the City of San Diego MSCP/MHPA, implementation of future construction related activities could be located adjacent to the MHPA. Therefore, in order to be consistent with current adopted MSCP Subarea Plan policies and Management Directives future projects would be designed to incorporate the applicable MSCP Land Use Adjacency Guidelines and include provisions for barrier fencing and plantings for access control; lighting restrictions; drainage and toxins as indicated below, and would not conflict with habitat function, configuration, or long-term viability; usage of the MHPA by sensitive species including narrow endemics; established management directives for the subarea plan; or cause potentially adverse edge effects. Direct access to public open space would be prohibited during any future construction related activity in order to minimize impacts to sensitive lands and to promote the objectives of the MSCP Subarea Plan. Consistency with the MHPA Land Use Adjacency Guidelines incorporated into the MMRP would reduce any potential indirect impacts to below a level of significance.

HISTORICAL RESOURCES (ARCHAEOLOGY)

The purpose and intent of the Historical Resources Regulations of the Land Development Code (Chapter 14, Division 3, Article 2) is to protect, preserve and, where damaged, restore the historical resources of San Diego. The regulations apply to all proposed development within the City when historical resources are present on the premises. CEQA requires that before approving discretionary projects, the Lead Agency must identify and examine the significant adverse environmental effects which may result from that project. A project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment (Sections 15064.5(b) and 21084). A substantial adverse change is defined as demolition, destruction, relocation, or alteration activities, which would impair historical significance (Sections 15064.5(b)(1) and 5020.1). Any historical resource listed in or eligible to be listed in the California Register of Historical Resources, including archaeological resources, is considered to be historically or culturally significant. The California Register of Historical Resources regulations apply to all proposed development within the City when historical resources are present on the premises.

Because specific sites have not yet been determined for some of the CIP activity types in the WURMPs, site-specific analysis cannot be conducted at this point. However, potential sites may be in areas of the City identified to be archaeologically sensitive. This is especially the case in the coastal areas of San Diego, which is identified as archaeologically sensitive and prime for implementing urban runoff CIPs due to water quality monitoring results and adjacency to an Area of Special Biological Significance off the coast.

A thorough review of all available archaeological data in accordance with the Historical Resources Guidelines is required in order to determine whether a direct impact to historical resources would result from future project implementation. If such an impact would result and further analysis is required, the project could no longer be processed within the scope of this MND. However, if all available data/research results in the determination that no resources are present within or adjacent to the proposed project site, but there is a reasonable likelihood for either historic and/or prehistoric resources to be impacted during construction related activities, then monitoring would be required. Therefore, a Mitigation, Monitoring, and Reporting Program (MMRP) would be implemented during construction activities to reduce potential impacts to less than significant in accordance with the MMRP included in this MND.

PALEONTOLOGICAL RESOURCES

Geologic formations which could underlie potential sites for the capital improvement projects in the WURMPs consist of formations which are assigned "high" and "moderate" resource sensitivities. Based on the sensitivity of the potentially affected formations and the potential excavation depths required to constrict the activity type, implementation could result in significant impacts to paleontological resources. To reduce this impact to less than significant, excavation within previously undisturbed formations at a depth of 10 or more feet, a MMRP would be implemented during construction activities to reduce potential impacts to less than significant in accordance with the MMRP included in this MND.

SUBSEQUENT REVIEW

Future applications for the implementation of CIP activity type projects (including, but not limited to: Green Street – Infiltration, Green Mall – Infiltration, Green Lot – Infiltration, Infiltration Vault/Pit Installation, Hydrodynamic Separator Installation, Sediment and Peak Flow Control, Inlet Trash/Debris Segregation BMP, and Bacteria Treatment BMP, Dry Weather Diversion) pursuant to the WURMPs only as indicated in the Purpose and Main Features discussion of this Initial Study within the City would be reviewed for potential impacts and consistency with the attached MND. Where it can be determined that the project is consistent with the attached MND, and if the project does not impact potentially sensitive biological resources, Important Archaeological Sites (designated or recorded archaeological sites) or Traditional Cultural Properties, and no additional potentially significant impacts would result pursuant to Section 15162 of the State of California Environmental Quality Act (CEQA), an Addendum to this MND would be prepared. The Addendum would provide project specific details, including the location, environmental setting, environmental issue areas and the construction methodology. Where future projects are inconsistent with the assumption of this environmental document, or in the event an impact would

result, then a determination of the environmental document to be prepared would be made based on the completion of an Initial Study.

V. RECOMMENDATION:

On the basis of this initial evaluation:

_____ The proposed project would not have a significant effect on the environment, and a NEGATIVE DECLARATION should be prepared.

 X Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in Section IV above have been added to the project. A MITIGATED NEGATIVE DECLARATION should be prepared.

_____ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT should be required.

PROJECT ANALYST: Myra Herrmann

Attachments: Figure 1 – Watershed Map
Table A - Minimum Required BMPs
Initial Study Checklist

City of San Diego Watershed Management Areas



Carlsbad Watershed

San Dieguito River
Watershed

Los Peñasquitos
Watershed



Mission Bay
Watershed

San Diego River
Watershed

San Diego Bay
Watershed

Tijuana River Watershed

Legend

-  City of San Diego Boundary
-  Watershed Management Area

United States
Mexico

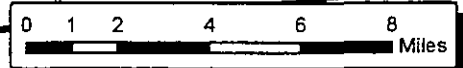


TABLE A: MINIMUM REQUIRED BMPS FOR CATEGORIES OF EXISTING DEVELOPMENT

Priority Sources	Containment BMPs										Pollution Prevention BMPs										Good Housekeeping BMPs										Regulatory BMPs	
	Provide secondary containment to catch spills if storing hazardous materials	Use drip pans, etc. to collect leaks/spills	Clean floor mats, etc. indoors and discharge to sanitary system	Properly dispose of process or wash water	Immediately clean up spills with dry methods	Minimize spill cleanup materials and wet vacuum or similar equipment readily available	Wash vehicles and equipment in designated areas	Properly store and dispose of green waste	Keep animals out of creeks	Properly store and dispose of hazardous materials	Schedule during dry weather any pollution activities that could release pollutants	Seal containers and maintain up-to-date inventory to prevent mismanagement of hazardous materials	Drain and properly dispose of fluids from inoperable vehicles	Provide pollution prevention signage for storm drains, material storage, etc.	Properly manage pesticides/fertilizer use	Protect landscaped areas from erosion by maintaining vegetative cover	Protect storm drains from non-storm water discharges	Curbate over irrigation runoff (2)	Regularly sweep parking areas	Protect trash storage areas from contact with storm water	Properly dispose of swimming pool, spa, fountain, and filter backwash water	Inspect catchment/containment areas regularly to ensure BMPs are effective	Clean up regularly with dry methods and non-hazardous cleaning products	Clean trash disposal areas	Pick up and dispose of pet waste in yards and right of ways	Train employees on storm water pollution prevention (2)	Develop and Implement Spill Prevention Plan	Develop and Implement SWPPP	Identify and eliminate illegal connections to storm drain			
Commercial Categories - Fixed Location (2007 Permit)																																
i. Automobile repair, maintenance, fueling, or cleaning	✓	✓		✓	✓	✓	✓			✓		✓		✓						✓		✓	✓	✓		✓	✓	✓	✓	✓	✓	
ii. Airplane repair, maintenance, fueling, or cleaning	✓	✓		✓	✓	✓	✓			✓		✓		✓						✓		✓	✓	✓		✓	✓	✓	✓	✓	✓	
iii. Boat repair, maintenance, fueling, or cleaning	✓			✓	✓	✓	✓			✓		✓		✓						✓		✓	✓	✓		✓	✓	✓	✓	✓	✓	
iv. Equipment repair, maintenance, fueling, or cleaning	✓	✓		✓	✓	✓	✓			✓		✓		✓						✓		✓	✓	✓		✓	✓	✓	✓	✓	✓	
v. Automobile and other vehicle body repair or painting	✓				✓	✓						✓								✓		✓	✓	✓		✓	✓	✓	✓	✓	✓	
vii. Automobile (or other vehicle) parking lots and storage facilities						✓				✓			✓	✓					✓			✓	✓			✓	✓	✓	✓	✓	✓	
viii. Retail or wholesale fueling	✓				✓	✓				✓		✓		✓						✓		✓	✓	✓		✓	✓	✓	✓	✓	✓	
x. Eating or drinking establishments, including food markets			✓	✓		✓								✓						✓							✓				✓	✓
xii. Cement mixing or cutting, xiii. Painting, xiv. Masonry		✓		✓	✓	✓				✓	✓						✓			✓		✓	✓	✓			✓				✓	✓
xv. Botanical or zoological gardens and exhibits					✓	✓		✓		✓		✓		✓	✓	✓				✓		✓	✓	✓			✓				✓	✓
xvi. Landscaping, xvii. Nurseries and Greenhouses, xviii. Golf courses, parks and recreation facilities, xix. Cemeteries						✓		✓		✓	✓	✓		✓	✓	✓				✓			✓	✓		✓	✓	✓	✓	✓	✓	✓
xx. Marinas				✓	✓	✓				✓	✓	✓		✓	✓	✓				✓		✓	✓	✓		✓	✓	✓	✓	✓	✓	✓
xxii. Building material retailers and storage																				✓		✓	✓	✓		✓	✓	✓	✓	✓	✓	✓
xxiv. Animal facilities						✓		✓	✓					✓						✓		✓	✓	✓		✓	✓	✓	✓	✓	✓	✓
Commercial Categories - Mobile (2007 Permit)																																
vi. Mobile automobile or other vehicle washing				✓	✓	✓	✓				✓						✓										✓	✓	✓	✓	✓	✓
ix. Pest control services					✓	✓				✓	✓				✓		✓										✓	✓	✓	✓	✓	✓
xi. Mobile carpet, drapes or furniture cleaning				✓	✓					✓																	✓	✓	✓	✓	✓	✓
xx. Pool and fountain cleaning						✓				✓											✓						✓	✓	✓	✓	✓	✓
xxii. Portable sanitary services				✓	✓	✓					✓						✓										✓	✓	✓	✓	✓	✓
xxv. Power washing services				✓	✓						✓						✓										✓	✓	✓	✓	✓	✓
Industrial Categories (2007 Permit)																																

Priority Sources	Containment BMPs										Pollution Prevention BMPs										Good Housekeeping BMPs					Regulatory BMPs						
	Provide secondary containment to catch spills if storing hazardous materials	Use drip pans, etc. to collect leaks/spills	Clean floor mats, etc. indoors and discharge to sanitary system	Properly dispose of process or wash water	Immediately clean up spills with dry methods	Maintain spill cleanup materials and wet vacuum or similar equipment readily available	Wash vehicles and equipment in designated areas	Properly store and dispose of green waste	Keep animals out of creeks	Properly store and dispose of hazardous materials	Schedule during dry weather any outdoor activities that could release pollutants	Label containers and maintain up-to-date inventory to prevent mishandling of hazardous materials	Drain and properly dispose of fluids from inoperable vehicles	Provide pollution prevention storage for storm drains, material storage, etc.	Properly manage pesticide/fertilizer use	Protect landscaped areas from erosion by maintaining vegetative cover	Protect storm drains from non-storm water discharges	Conduct over irrigation runoff (2)	Regularly sweep parking areas	Protect trash storage areas from contact with storm water	Properly dispose of swimming pool, spa, hot tub, and filter backwash water	Inspect catchment areas regularly to ensure BMPs are effective	Clean up regularly with dry methods and non-hazardous cleaning products	Clean trash disposal areas	Pick up and dispose of pet waste in yards and right of ways	Train employees on storm water pollution prevention (2)	Develop and Implement Spill Prevention Plan	Develop and Implement SWPPP	Identify and eliminate illegal connections to storm drain			
Manufacturing Facilities	✓			✓	✓	✓				✓		✓		✓						✓		✓	✓	✓		✓	✓	✓	✓	✓		
Oil and Gas Mining Facilities					✓	✓						✓		✓							✓		✓	✓	✓		✓	✓	✓	✓	✓	
Hazardous Waste Treatment, Disposal, Storage and Recovery Facilities	✓			✓	✓	✓				✓		✓		✓							✓		✓	✓	✓		✓	✓	✓	✓	✓	
Landfills, Land Application Sites, and Open Dumps																									✓	✓	✓	✓	✓	✓	✓	✓
Recycling Facilities (Metal Scrapyards, Battery Reclaimers, Salvage Yards, Motor Vehicle Dismantlers, Waste Recycling Facilities)	✓			✓	✓	✓				✓			✓	✓						✓	✓		✓	✓	✓		✓	✓	✓	✓	✓	✓
Steam Electric Power Generating Facilities	✓			✓																	✓				✓		✓		✓	✓	✓	✓
Transportation Facilities (Vehicle Maintenance, Equipment Cleaning, Airport Deicing)		✓		✓										✓							✓		✓	✓		✓		✓	✓	✓	✓	✓
Sewage or Wastewater Treatment Works																					✓		✓	✓		✓		✓		✓	✓	✓
Residential Activities																																
Vehicle Maintenance		✓			✓	✓				✓														✓								
Car Washing				✓			✓				✓																					
Household Hazardous Waste					✓	✓				✓																						
Pesticide/Fertilizer Use						✓				✓					✓																	
Landscape Maintenance								✓							✓	✓			✓													
Home Improvements (e.g. painting, coating)					✓	✓				✓	✓																					
Pool and fountain cleaning						✓					✓											✓										
Power washing				✓	✓													✓														
Pet Management																		✓								✓						

Note: (1) City Enforcement Officer could require any of these measures at any locations at his specific discretion
(2) Designated BMPs for areas tributary to 303 (d) listed water bodies, coastal lagoons, and waters on sensitive lands

INITIAL STUDY CHECKLIST

Date: August 3, 2007

Project Number: 134590

Name of Project: Urban Runoff Management Plans

II. ENVIRONMENTAL ANALYSIS:

The purpose of the Initial Study is to identify the potential for significant environmental impacts which could be associated with a project pursuant to Section 15063 of the State CEQA Guidelines. In addition, the Initial Study provides the lead agency with information, which forms the basis for deciding whether to prepare an Environmental Impact Report, Negative Declaration, or Mitigated Negative Declaration. This Checklist provides a means to facilitate early environmental assessment. However, subsequent to this preliminary review, modifications to the project may mitigate adverse impacts. All answers of "yes" and "maybe" indicate that there is a potential for significant environmental impacts, and these determinations are explained in Section IV of the Initial Study.

Yes Maybe No

I. AESTHETICS / NEIGHBORHOOD CHARACTER – Would the proposal result in:

- A. The obstruction of any vista or scenic view from a public viewing area?

_____ _____ X

The following activity types contained in the plans would not result in the construction of above-ground structures and, therefore, would not obstruct views: water quality monitoring and pollutant source characterization; education, training, and outreach; inspection, investigation, and enforcement; good housekeeping BMPs; land use planning; Storm Water Standards Manual Update; and other non-structural projects. The following activity type may result in above-ground structures: capital improvement projects. However, it is anticipated that these structures would be improvements to existing City streets, parks (underground), parking lots, and the storm drain system and, therefore, would not obstruct views.

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
B. The creation of a negative aesthetic site or project?	_____	_____	<u>X</u>
<u>See I.A.</u>			
C. Project bulk, scale, materials, or styles which would be incompatible with surrounding development?	_____	_____	<u>X</u>
<u>See I.A. The capital improvement projects would be integrated into existing City streets, parks (underground), parking lots, and the storm drain system.</u>			
D. Substantial alteration to the existing character of the area?	_____	_____	<u>X</u>
<u>See I.C.</u>			
E. The loss of any distinctive or landmark tree(s), or a stand of mature trees?	_____	_____	<u>X</u>
<u>See I.A. It is anticipated that no distinctive or landmark trees or a stand of mature would be affected by the capital improvement projects since these projects would be within existing City streets, parks (underground), parking lots, and the storm drain system.</u>			
F. Substantial change in topography or ground surface relief features?	_____	_____	<u>X</u>
<u>See I.A. The capital improvement projects would be integrated into current City streets, parks (underground), parking lots, and the storm drain system. Excavations in the right of way would be backfilled, and the ground surface and topography would be returned to their original state.</u>			

- | | <u>Yes</u> | <u>Maybe</u> | <u>No</u> |
|--|------------|--------------|-------------|
| G. The loss, covering, or modification of any unique geologic or physical features, such as a natural canyon, sandstone bluff, rock outcrop, or hillside with a slope in excess of 25 percent? | _____ | _____ | _____X_____ |

See I.F. The capital improvement projects would improve existing City streets, parks (underground), parking lots, and the storm drain system and would not require the modification of unique geologic or physical features.

- | | | | |
|--------------------------------|-------|-------|-------------|
| H. Substantial light or glare? | _____ | _____ | _____X_____ |
|--------------------------------|-------|-------|-------------|

The activity types would not produce light or glare.

- | | | | |
|---|-------|-------|-------------|
| I. Substantial shading of other properties? | _____ | _____ | _____X_____ |
|---|-------|-------|-------------|

See I.A.

II. AGRICULTURAL RESOURCES / NATURAL RESOURCES / MINERAL RESOURCES – Would the proposal result in:

- | | | | |
|---|-------|-------|-------------|
| A. The loss of availability of a known mineral resource (e.g., sand or gravel) that would be of value to the region and the residents of the State? | _____ | _____ | _____X_____ |
|---|-------|-------|-------------|

The capital improvement projects would be within existing City streets, parks, parking lots, and the storm drain system, which are not suitable sites for sand and/or gravel extraction.

- | | | | |
|---|-------|-------|-------------|
| B. The conversion of agricultural land to non-agricultural use or impairment of the agricultural productivity of agricultural land? | _____ | _____ | _____X_____ |
|---|-------|-------|-------------|

The plans contain activity types to be implemented within urbanized areas and (for water quality monitoring) local water bodies. No agricultural land would be impaired or converted to non-agricultural use.

III. AIR QUALITY – Would the proposal:

- A. Conflict with or obstruct implementation of the applicable air quality plan?

_____ _____ X

See I.A. Construction of the capital improvement projects would not conflict with the State Implementation Plan or other local air quality plans given standard construction practices to be in place, such as stockpile protection and daily sweeping of work area, to ensure air quality standards would not be violated. The improvements to City streets, parks (underground), parking lots, and the storm drain system would not affect air quality during operation.

- B. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

_____ _____ X

Grading equipment and procedures would comply with Air Pollution Control District (APCD) regulations and would not violate any air quality standard or contribute substantially to an existing or projected air quality violation due to standard construction practices, such as regular maintenance of air filters on construction equipment and shut down of engines if idling is anticipated to be more than five minutes. See III.A.

- C. Expose sensitive receptors to substantial pollutant concentrations?

_____ _____ X

Sensitive receptors that may be impacted by implementation of the plans are primarily residents and businesses. The activity types would not generate substantial air pollutants during implementation. See III.A and III.B.

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
D. Create objectionable odors affecting a substantial number of people?	_____	_____	<u>X</u>
<u>Diesel exhaust from construction equipment would be minor and temporary. The activity types in the plans would not produce odors.</u>			
E. Exceed 100 pounds per day of Particulate Matter 10 (dust)?	_____	_____	<u>X</u>
<u>Temporary minor dust generation during grading and construction of capital improvement projects would be subject to APCD regulations and is not anticipated to exceed 100 pounds per day of Particulate Matter 10 because of the implementation of standard construction practices, such as daily sweeping of work area and moistening of exposed soils. Other than during construction of capital improvement projects, implementation of the activity types in the plans would not generate dust.</u>			
F. Alter air movement in the area of the project?	_____	_____	<u>X</u>
<u>Implementation of the activity types in the plans would not alter air movement.</u>			
G. Cause a substantial alteration in moisture or temperature, or any change in climate, either locally or regionally?	_____	_____	<u>X</u>
<u>Implementation of the activity types in the plans would not affect climatic conditions.</u>			

IV. BIOLOGY – Would the proposal result in:

- A. A reduction in the number of any unique, rare, endangered, sensitive, or fully protected species of plants or animals?

_____ _____ X

The capital improvement projects would be integrated into existing City streets, parks (underground), parking lots, and the storm drain system and would not affect habitats or species with special status. Implementation of the other activity types in the plans would occur in urbanized areas and would not involve permanent structures and, therefore, would not result in the reduction of plants or animals with special status.

- B. A substantial change in the diversity of any species of animals or plants?

_____ _____ X

See IV.A.

- C. The introduction of invasive species of plants into the area?

_____ _____ X

Native and naturalized plants species would be used to vegetate planter boxes that would be part of some of the capital improvement projects within existing City streets. No invasive species would be planted.

- D. Interference with the movement of any resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors?

_____ _____ X

Only the activity type of periodic water quality monitoring and pollutant source characterization may potentially involve implementation within wildlife corridors. Because this activity type does not involve permanent structures or large numbers of people at one time, it is anticipated that it would not interfere with wildlife movement.

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
E. An impact to a sensitive habitat, including, but not limited to, streamside vegetation, aquatic, riparian, oak woodland, coastal sage scrub, or chaparral?	_____	_____	<u>X</u>

See IV.D.

F. An impact on City, State, or federally regulated wetlands (including, but not limited to, coastal salt marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption or other means?	_____	_____	<u>X</u>
---	-------	-------	----------

See IV.D. Implementation of the activity types in the plans would not affect wetlands.

G. Conflict with the provisions of the City's Multiple Species Conservation Program, Subarea Plan; or other approved local, regional, or State habitat conservation plan?	_____	_____	<u>X</u>
---	-------	-------	----------

See IV.A and IV.D.

V. ENERGY – Would the proposal:

A. Result in the use of excessive amounts of fuel or energy (e.g., natural gas)?	_____	_____	<u>X</u>
--	-------	-------	----------

Construction of the capital improvement projects within existing City streets, parks (underground), parking lots, and the storm drain system would involve typical amounts of fuel and energy. No significant impacts to energy, fuel, or power are anticipated during implementation of the other activity types in the plans.

B. Result in the use of excessive amounts of power?	_____	_____	<u>X</u>
---	-------	-------	----------

See V.A.

VI. GEOLOGY / SOILS – Would the proposal:

- A. Expose people or property to geologic hazards, such as earthquakes, landslides, mudslides, ground failure, or similar hazards? _____ _____ X

The watershed activities include various types of capital improvement projects that may construct infiltration strips and boxes within existing City streets, parks (underground), and parking lots. Excessive infiltration has the potential to damage nearby street, sidewalk, and building improvements but would result in significant impacts. See the Initial Study discussion.

- B. Result in a substantial increase in wind or water erosion of soils, either on or off the site? _____ _____ X

Dust control and soil erosion prevention measures, such as stockpile protection and sand/gravel bag barriers during construction of the capital improvement projects would keep airborne dust and water erosion of soils to a minimum. All activity types, including the capital improvement projects, are not anticipated to result in erosion during implementation/operation.

- C. Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse? _____ _____ X

See VI.A.

VII. HISTORICAL RESOURCES – Would the proposal result in:

- A. The alteration or destruction of a prehistoric or historic archaeological site? _____ X _____

Potential project areas include portions of the City known for high historical resource sensitivity, such as the La Jolla Shores area, Los Peñasquitos, and Mission Valley. See the Initial Study for further discussion.

- B. Adverse physical or aesthetic effects to a prehistoric or historic building, structure, object, or site? _____ X _____

See VII.A.

- C. Adverse physical or aesthetic effects to an architecturally significant building, structure, or object? _____ X _____

The activity type of capital improvement projects includes construction of infiltration strips and boxes/vaults within existing City streets, parks (underground), and parking lots. Excessive infiltration has the potential to damage nearby street, sidewalk, and building improvements. See the Initial Study for further discussion.

- D. Any impact to existing religious or sacred uses within the potential impact area? _____ X _____

See VII.A.

- E. The disturbance of any human remains, including those interred outside of formal cemeteries? _____ X _____

Although construction of the capital improvement projects would occur in existing City streets, parks (underground), and parking lots, there is the potential to disturb undiscovered human remains. See VII.A.

VIII. HUMAN HEALTH / PUBLIC SAFETY / HAZARDOUS MATERIALS –

Would the proposal:

- A. Create any known health hazard (excluding mental health)? _____ X

Implementation of the activity types, including construction and operation of the capital improvement projects, is not anticipated to create a health hazard.

- B. Expose people or the environment to a significant hazard through the routine transport, use, or disposal of hazardous materials? _____ X

Minor amounts of hazardous materials, such as fuel, would be transported only during construction of the capital improvements projects.

- C. Create a future risk of an explosion or the release of hazardous substances (including, but not limited to, gas, oil, pesticides, chemicals, radiation, or explosives)? _____ X

See VIII.B. Implementation of the activity types, including operation of the capital improvement projects, would not require the use of hazardous substances.

- D. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? _____ X

The activity type of other non-structural projects includes targeted street sweeping, which would involve modifying street sweeping frequencies and routes to target specific pollutants on City streets. Coordination with the General Services Department/Street Division would minimize impacts to traffic and emergency response times.

- | | <u>Yes</u> | <u>Maybe</u> | <u>No</u> |
|---|------------|--------------|-----------|
| E. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or environment? | _____ | _____ | <u>X</u> |

Implementation of the capital improvement projects would occur within existing City streets, parks (underground), and parking already and regularly used by the public for transportation and recreation and would not be in areas known for hazardous material sites.

- | | | | |
|---|-------|-------|----------|
| F. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | _____ | _____ | <u>X</u> |
|---|-------|-------|----------|

See VIII.C.

IX. HYDROLOGY / WATER QUALITY – Would the proposal result in:

- | | | | |
|--|-------|-------|----------|
| A. An increase in pollutant discharges, including downstream sedimentation, to receiving waters during or following construction? Consider water quality parameters, such as temperature-dissolved oxygen, turbidity, and other typical storm water quality. | _____ | _____ | <u>X</u> |
|--|-------|-------|----------|

The activity types would be implemented to improve and protect water quality. Standard storm water BMPs would be used during construction of the capital improvement projects.

- | | | | |
|--|-------|-------|----------|
| B. An increase in impervious surfaces and associated increased runoff? | _____ | _____ | <u>X</u> |
|--|-------|-------|----------|

The capital improvement projects would reduce impervious surfaces and associated increased runoff through infiltration.

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
C. Substantial alteration to on- and off-site drainage patterns due to changes in runoff flow rates or volumes?	_____	_____	<u>X</u>
<u>Although the capital improvement projects would reduce runoff flow rates and volumes through infiltration, substantial alteration to drainage patterns are not anticipated due to projected wide spacing between the projects.</u>			
D. Discharge of identified pollutants to an already impaired water body (as listed on the Clean Water Act Section 303(d) list)?	_____	_____	<u>X</u>
<u>The activity types would be implemented to improve and protect water quality, including that of water bodies on the 303(d) list.</u>			
E. A potentially significant adverse impact on groundwater quality?	_____	_____	<u>X</u>
<u>Only minor amounts of water would infiltrate into the ground via the infiltration projects and are not anticipated to reach the groundwater table. Infiltration projects would be designed to allow for bypassing of urban runoff into the storm drain system if infiltration capacity is reached.</u>			
F. A causation of or contribution to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses?	_____	_____	<u>X</u>
<u>The activity types would be implemented to improve and protect water quality. See IX.E.</u>			

Yes Maybe No

X. LAND USE – Would the proposal result in:

- A. A land use which is inconsistent with the adopted community plan land use designation for the site, or a conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project?

_____ _____ X

The capital improvement projects would be integrated into existing City streets, parks (underground), parking lots, and the storm drain system and, therefore, would not conflict with any existing land use policy.

Implementation of the other activity types would not involve structures and, therefore, would not conflict any existing land use policy.

- B. A conflict with the goals, objectives, and recommendations of the community plan in which it is located?

_____ _____ X

See X.A.

Yes Maybe No

- C. A conflict with adopted environmental plans, including applicable habitat conservation plans adopted for the purpose of avoiding or mitigating an environmental effect for the area?

_____ X _____

The capital improvement projects would be integrated into existing City streets, parks (underground), parking lots, and the storm drain system and, therefore, would not conflict with any existing environmental plans. Implementation of the other activity types would not involve structures and, therefore, would not conflict any existing environmental plans or habitats. Although not considered a significant impact, the MHPA Land Use Adjacency Guidelines would be implemented when future projects are located adjacent to MHPA areas. No projects, however would be covered by this document if located within the MHPA and could result in direct impacts to resources.

- D. Physically divide an established community?

_____ _____ X

See X.A.

- E. Land uses which are not compatible with aircraft accident potential as defined by an adopted airport Comprehensive Land Use Plan?

_____ _____ X

See X.A.

Yes Maybe No

XI. NOISE – Would the proposal result in:

- A. A significant increase in the existing ambient noise levels?

_____ _____ X

Construction activity for the capital improvement projects would be temporary and would not significantly increase ambient noise levels and would not generate operational noise. Implementation of the other activity types would not significantly increase ambient noise levels.

- B. Exposure of people to noise levels which exceed the City's adopted noise ordinance?

_____ _____ X

Temporary construction activities required for the capital improvement projects would not exceed City noise ordinances, and no operational noise would occur after construction. See XI.A.

- C. Exposure of people to current or future transportation noise levels which exceed standards established in the Transportation Element of the General Plan or an adopted airport Comprehensive Land Use Plan?

_____ _____ X

Implementation of the activity types would not cause increased traffic levels or increase transportation noise levels.

XII. PALEONTOLOGICAL RESOURCES – Would the proposal impact a unique paleontological resource or site or unique geologic feature?

_____ X _____

Potential project areas include portions of the City potentially underlain by geologic units of high paleontological resource sensitivity, such as the La Jolla Shores area, Los Peñasquitos, and Mission Valley. See the Initial Study for further discussion

XIII. POPULATION AND HOUSING – Would the proposal:

- A. Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?

_____ _____ X

Implementation of the activity types would not extend infrastructure or involve the construction of dwellings or businesses.

- B. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

_____ _____ X

The capital improvement projects would be integrated into existing City streets, parks (underground), parking lots, and the storm drain system. No existing housing would be displaced.

- C. Alter the planned location, distribution, density, or growth rate of the population of an area?

_____ _____ X

No such alterations would occur.

Yes Maybe No

XIV. PUBLIC SERVICES – Would the proposal have an effect upon or result in a need for new or altered governmental services in any of the following areas:

A. Fire protection? _____ _____ X

Parking lots at municipal facilities (e.g., fire and police stations, parks, and streets) are potential sites for some of the capital improvement projects identified in the plans. Any implementation of these project types at those facilities would be coordinated with the partnering department to ensure delivery of services is not significantly impacted. Required traffic control plans would ensure that emergency access remains open at all times during construction of the capital improvement projects in City streets. Implementation of the other activity types would not result in the need for any new or altered government services.

B. Police protection? _____ X

See XIV.A.

C. Schools? X

See XIV.A.

D. Parks or other recreational facilities? X

See XIV.A.

E. Maintenance of public facilities, including roads?	X
---	---

See XIV.A.

F. Other governmental services? . X

See XIV.A.

XV. RECREATIONAL RESOURCES – Would the proposal:

- A. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated? _____ X

Implementation of the activity types would not increase the use of existing parks or other recreational activities or require the construction of new recreational facilities.

- B. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? _____ X

See XV.A.

XVI. TRANSPORTATION / CIRCULATION – Would the proposal result in:

- A. Traffic generation in excess of specific community plan allocation? _____ X

Implementation of the activity types would generate traffic only during construction of the capital improvement projects. Such traffic generation would be mentoring during deliveries of equipment and materials, construction employee travel to and from the work site, and hauling of excavation material off site. This temporary minor traffic generation would not alter or add traffic in excess of specific community plan allocations.

- B. An increase in projected traffic which is substantial in relation to the existing traffic load and capacity of the street system? _____ X

No long-term increase in traffic generation would occur as a result of implementation of the activity types. The temporary traffic increase during project construction would be insubstantial in relation to existing traffic in the project areas.

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
C. An increased demand for off-site parking?	_____	_____	<u>X</u>
<u>Implementation of the capital improvement projects would result in minimal and temporary off-site parking demand during construction only. Implementation of the targeted street sweeping would involve modifying current street sweeping frequencies and routes as regularly done by the General Services Department/Street Division to maximize efficiencies and resources. Coordination with the General Services Department/Street Division would minimize impacts to street parking.</u>			
D. Effects on existing parking?	_____	_____	<u>X</u>
<u>During construction of the capital improvement projects, Traffic Control Plans (TCPs) would address temporary loss of existing parking in the immediate construction areas during work on surface streets and the storm drain system. This impact would not be significant. Any permanent loss of parking along streets because of the installation of infiltration strips and planters would be minimal and not significant. See XVI.C.</u>			
E. Substantial impact upon existing or planned transportation systems?	_____	_____	<u>X</u>
<u>TCPs would be prepared to coordinate construction traffic flows and minimize disruptive impacts to the surrounding vicinities during implementation of the capital improvement projects. No changes to long-term traffic patterns would result from implementation of any of the activity types.</u>			
F. Alterations to present circulation movements, including effects on existing public access to beaches, parks, or other open space areas?	_____	_____	<u>X</u>
<u>See XVI.E.</u>			

Yes Maybe No

- G. Increase in traffic hazards for motor vehicles, bicyclists, or pedestrians due to a proposed non-standard design feature (e.g., poor sight distance or driveway onto an access-restricted roadway)?

_____ _____ X

TCPs would address potential traffic hazards during construction of the capital improvement projects, which would be integrated into existing City streets and parking lots and the storm drain system and, therefore, would not cause traffic hazards during operation. Implementation of the other activity types would not result in an increase in traffic hazards.

- H. A conflict with adopted policies, plans, or programs supporting alternative transportation modes (e.g., bus turnout, bicycle racks, etc.)?

_____ _____ X

Implementation of the activity types would not conflict with adopted policies, plans, or programs supporting alternative transportation modes.

XVII. UTILITIES – Would the proposal result in a need for new systems or require substantial alterations to existing utilities, including:

- A. Natural gas?

_____ _____ X

Implementation of the activity types, including the improvements to existing City streets, parks (underground), parking lots, and the storm drain system, would not require use of utilities per se and would be constructed to avoid impacts to existing utilities.

- B. Communication systems?

_____ _____ X

See XVII.A.

- C. Water?

_____ _____ X

See XVII.A.

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
D. Sewer?	_____	_____	<u>X</u>
<u>See XVII.A.</u>			
E. Storm water drainage?	_____	_____	<u>X</u>
<u>Construction of the capital improvement projects would improve the storm drain system.</u>			
F. Solid waste disposal?	_____	_____	<u>X</u>
<u>Solid waste disposal would be required for implementing the targeted street sweeping as part of the activity type of other non-structural projects. However, because targeted street sweeping would be in lieu of existing street sweeping in the targeted areas, no significant impacts to solid waste disposal services is anticipated.</u>			

XVIII. WATER CONSERVATION – Would the proposal result in:

A. Use of excessive amounts of water?	_____	_____	<u>X</u>
<u>During construction of the capital improvement projects, minor amounts of water would be used to dampen exposed dirt areas to control dust and wash excess dirt off construction equipment. Implementation of the project types would not require use of excessive amounts of water, if any at all.</u>			

Yes Maybe No

- B. Landscaping which is predominantly non-drought resistant vegetation?

_____ _____ X

Native or naturalized plant species would be used to vegetate planter boxes that would be part of some of the capital improvement projects within existing City streets. Revegetation after construction is not anticipated to be needed for projects within existing City streets and parking lots and the storm drain system. Landscaping would be restored to preconstruction conditions for underground projects in parks.

XIX. MANDATORY FINDINGS OF SIGNIFICANCE:

- A. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?

_____ _____ X

Implementation of mitigation measures would reduce all impacts to below a level of significance. See the Initial Study for further discussion.

- B. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time, while long-term impacts would endure well into the future.)

_____ _____ X

No long-term impacts to the environment are anticipated.

Yes Maybe No

- C. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.)

_____ _____ X

The following activity types contained in the plans would not directly result in the construction of above-ground structures and, therefore, would not significant impacts: water quality monitoring and pollutant source characterization; education, training, and outreach; inspection, investigation, and enforcement; good housekeeping BMPs; land use planning; Storm Water Standards Manual Update; and other non-structural projects. The following activity type may result in above-ground structures: capital improvement projects. However, it is anticipated that these structures would be improvements to existing City streets, parks (underground), parking lots, and the storm drain system and be widely spaced throughout the City and, therefore, would not result in significant cumulative impacts.

- D. Does the project have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly?

_____ _____ X

The activity types would be implemented to improve and protect water quality, which would benefit human beings.

INITIAL STUDY CHECKLIST

REFERENCES

I. Aesthetics / Neighborhood Character

X City of San Diego Progress Guide and General Plan.

___ Community Plan.

___ Local Coastal Plan.

II. Agricultural Resources / Natural Resources / Mineral Resources

X City of San Diego Progress Guide and General Plan.

___ U.S. Department of Agriculture, Soil Survey – San Diego Area, California, Parts I and II, 1973.

___ California Department of Conservation – Division of Mines and Geology, Mineral Land Classification.

___ Division of Mines and Geology, Special Report 153 – Significant Resources Maps.

___ Site-Specific Report: _____.

III. Air - N/A

___ California Clean Air Act Guidelines (Indirect Source Control Programs) 1990.

___ Regional Air Quality Strategies (RAQS) – APCD.

___ Site-Specific Report: _____.

IV. Biology

X City of San Diego, Multiple Species Conservation Program (MSCP), Subarea Plan, 1997.

X City of San Diego, MSCP, "Vegetation Communities with Sensitive Species and Vernal Pools" maps, 1996.

X City of San Diego, MSCP, "Multi-Habitat Planning Area" maps, 1997.

___ Community Plan – Resource Element.

_____ California Department of Fish and Game, California Natural Diversity Database, "State and Federally-Listed Endangered, Threatened, and Rare Plants of California," January 2001.

_____ California Department of Fish & Game, California Natural Diversity Database, "State and Federally-listed Endangered and Threatened Animals of California," January 2001.

X City of San Diego Land Development Code Biology Guidelines.

_____ Site-Specific Report: _____

V. Energy - N/A

VI. Geology/Soils

X City of San Diego Seismic Safety Study.

_____ U.S. Department of Agriculture Soil Survey – San Diego Area, California, Parts I and II, December 1973 and Part III, 1975.

_____ Site-Specific Report: _____

VII. Historical Resources

X City of San Diego Historical Resources Guidelines.

X City of San Diego Archaeology Library.

_____ Historical Resources Board List.

_____ Community Historical Survey: _____

_____ Site-Specific Report: _____

VIII. Human Health / Public Safety / Hazardous Materials - N/A

_____ San Diego County Hazardous Materials Environmental Assessment Listing, 1996.

_____ San Diego County Hazardous Materials Management Division.

_____ FAA Determination.

_____ Hazardous Waste and Substances Site List (Cortese List)

Department of Toxic Substances Control

<http://www.dtsc.ca.gov/database/Calsites/Cortese_List.cfm?county=37>.

_____ State Assessment and Mitigation, Unauthorized Release Listing, Public Use Authorized 1995.

_____ Airport Comprehensive Land Use Plan.

_____ Site-Specific Report: _____.

IX. Hydrology/Water Quality

_____ Flood Insurance Rate Map (FIRM).

_____ Federal Emergency Management Agency (FEMA), National Flood Insurance Program – Flood Boundary and Floodway Map.

 X Clean Water Act Section 303(b) list, dated May 19, 1999
<http://www.swrcb.ca.gov/tmdl/303d_lists.html>.

X. Land Use

 X City of San Diego Progress Guide and General Plan.

_____ Community Plan.

_____ Airport Comprehensive Land Use Plan.

_____ City of San Diego Zoning Maps.

_____ FAA Determination.

XI. Noise - N/A

_____ Community Plan.

_____ San Diego International Airport – Lindbergh Field CNEL Maps.

_____ Brown Field Airport Master Plan CNEL Maps.

_____ Montgomery Field CNEL Maps.

_____ San Diego Association of Governments – San Diego Regional Average Weekday Traffic Volumes.

_____ San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG.

_____ City of San Diego Progress Guide and General Plan.

_____ Site-Specific Report: _____.

XII. Paleontological Resources

X City of San Diego Paleontological Guidelines.

_____ Deméré, Thomas A., and Stephen L. Walsh, "Paleontological Resources City of San Diego," Department of Paleontology San Diego Natural History Museum, 1996.

_____ Kennedy, Michael P., and Gary L. Peterson, "Geology of the San Diego Metropolitan Area, California. Del Mar, La Jolla, Point Loma, La Mesa, Poway, and SW 1/4 Escondido 7 1/2 Minute Quadrangles," California Division of Mines and Geology Bulletin 200, Sacramento, 1975.

_____ Kennedy, Michael P., and Siang S. Tan, "Geology of National City, Imperial Beach and Otay Mesa Quadrangles, Southern San Diego Metropolitan Area, California," Map Sheet 29, 1977.

_____ Site-Specific Report: _____.

XIII. Population / Housing - N/A

_____ City of San Diego Progress Guide and General Plan.

_____ Community Plan.

_____ Series 8 Population Forecasts, SANDAG.

_____ Other: _____.

XIV. Public Services - N/A

_____ City of San Diego Progress Guide and General Plan.

_____ Community Plan.

XV. Recreational Resources - N/A

_____ City of San Diego Progress Guide and General Plan.

_____ Community Plan.

_____ Department of Park and Recreation.

_____ City of San Diego – San Diego Regional Bicycling Map.

_____ Additional Resources: _____.

XVI. Transportation / Circulation - N/A

_____ City of San Diego Progress Guide and General Plan.

____ Community Plan.

____ San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG.

____ San Diego Region Weekday Traffic Volumes, SANDAG.

____ Site-Specific Report: _____.

XVII. Utilities - N/A

XVIII. Water Conservation - N/A

____ Sunset Magazine, New Western Garden Book. Rev. ed. Menlo Park, CA: Sunset Magazine.

XIX. Other

X Development Services Department, CEQA Significance Determination Thresholds, January 2007.



150
01/07

THE CITY OF SAN DIEGO

*Available for viewing in the
Office of the City Clerk
Cab 2nd floor*

Draft WATERSHED and REGIONAL Urban Runoff Management Plans



January 2



150
01/07

THE CITY OF SAN DIEGO

*Available for viewing in the
Office of the City Clerk
Cab 2nd floor*

Draft URBAN RUNOFF MANAGEMENT PLAN



Prevention Program
BLUM
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000053

REQUEST FOR COUNCIL ACTION

CITY OF SAN DIEGO

1. CERTIFICATE NUMBER
(FOR AUDITOR'S USE ONLY)

N/A

01/07

150

TO: CITY ATTORNEY 2. FROM (ORIGINATING DEPARTMENT): General Services Department / Storm Water Division 3. DATE: 10/30/07

4. SUBJECT: Urban Runoff Management Plans and Storm Water Ordinance Amendment

5. PRIMARY CONTACT (NAME, PHONE & MAIL STA.): Drew Kleis, 619-525-8623, MS 27A 6. SECONDARY CONTACT (NAME, PHONE & MAIL STA.): Ulysses Panganiban, 619-525-8627, MS 27A 7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED ☒

8. COMPLETE FOR ACCOUNTING PURPOSES

FUND	DEPT.	ORGANIZATION	OBJECT ACCOUNT	JOB ORDER	C.I.P. NUMBER	AMOUNT

9. ADDITIONAL INFORMATION / ESTIMATED COST:
 FY 2008: Street Division \$19,966,859
 Storm Water Division \$22,995,409
 Total \$42,962,268*
 *Estimate only; less substantial cost estimates of other departments have not been calculated
 FY 2009-13:
 Implementation of activities beyond FY 2008 will be contingent upon Council identification and approval of funding in future annual budgets

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIGINATING DEPARTMENT		12/5/07	8	DEPUTY CHIEF		
2	E.O.C.		12-5-7	9	COO		12-17-07
3	E.A.S.		12/5/07	10	CITY ATTORNEY		12-18-08
4	LIAISON OFFICE		12/10/07	11	ORIGINATING DEPARTMENT		12/19/09
5	F.M.		12/5/07		DOCKET COORD:		
6	AUDITOR		12/6/07		COUNCIL PRESIDENT		
7					COUNCIL LIAISON:		

DOCKET COORD: COUNCIL LIAISON:

COUNCIL PRESIDENT ☐ SPOB ☐ CONSENT ☐ ADOPTION ☒
☐ REFER TO: COUNCIL DATE: 1/7

11. PREPARATION OF: ☒ RESOLUTION(S) ☒ ORDINANCE(S) ☐ AGREEMENT(S) ☐ DEED(S)

- Adopting the updated Jurisdictional Urban Runoff Management Plan, six updated Watershed Urban Runoff Management Plans, and new Regional Urban Runoff Management Plan.
- Authorizing the Mayor to implement activities identified in the Jurisdictional, Watershed, and Regional Urban Runoff Management Plans.

CONTINUED ON BACK

11A. STAFF RECOMMENDATIONS:
Adopt resolutions and ordinance.

12. SPECIAL CONDITIONS:

COUNCIL DISTRICT(S): All

COMMUNITY AREA(S): All

ENVIRONMENTAL IMPACT: The City of San Diego, as Lead Agency under CEQA, has prepared and completed a Mitigated Negative Declaration, Project No. 134590, dated October 19, 2007, and a Mitigation, Monitoring, and Reporting Program covering this activity.

HOUSING IMPACT: None

OTHER ISSUES: None

ATTACHMENTS: One (1) CD containing: draft Jurisdictional Urban Runoff Management Plan; proposed activities for Watershed Urban Runoff Management Plans; draft Regional Urban Runoff Management Plan; proposed Storm Water Management and Discharge Control Ordinance amendment; Mitigated Negative Declaration (Project No. 134590)

SECTION 11 – PREPARATION OF: RESOLUTIONS, ORDINANCES, ETC. (CONTINUED):

3. Certifying that the information contained in the Mitigated Negative Declaration, Project No. 134590, has been completed in compliance with the California Environmental Quality Act and State CEQA Guidelines, and that the said Mitigated Negative Declaration reflects the independent judgment of the City of San Diego as Lead Agency.
4. Stating for the record that the final Mitigated Negative Declaration has been reviewed and considered prior to approving this activity.
5. Certifying the final Mitigated Negative Declaration.
6. Adopting the final Mitigated Negative Declaration.
7. Adopting the Mitigation, Monitoring, and Reporting Program.
8. Adopting an ordinance amending Section 43.03, Storm Water Management and Discharge Control Ordinance, of the San Diego Municipal Code to conform to the requirements of the 2007 Municipal Permit (Order No. R9-2007-0001).

000055

EXECUTIVE SUMMARY SHEET
CITY OF SAN DIEGO

DATE ISSUED: _____ REPORT NO: _____
ATTENTION: Council President and City Council

ORIGINATING DEPARTMENT: General Services / Storm Water Division
SUBJECT: Urban Runoff Management Plans and Storm Water
Ordinance Amendment
COUNCIL DISTRICT(S): All
CONTACT/PHONE NUMBER: Drew Kleis, 619-525-8623, MS 27A

REQUESTED ACTION: The Storm Water Pollution Prevention Division of the General Services Department requests Council adoption of: one (1) updated Jurisdictional Urban Runoff Management Plan (URMP); six (6) updated Watershed URMPs; one (1) new Regional URMP; and the Mitigated Negative Declaration (Project No. 134590) (MND).

The Storm Water Division also requests Council adoption of an ordinance amending Section 43.03 (Storm Water Management and Discharge Control Ordinance) of the San Diego Municipal Code to conform to the requirements of the 2007 Municipal Permit (Order No. R9-2007-0001).

STAFF RECOMMENDATION: Staff recommends adoption of the plans, ordinance amendment, and MND.

EXECUTIVE SUMMARY: The plans identify and describe the activities that the City commits to implementing to protect and improve water quality and comply with the regulatory requirements outlined the 2007 Municipal Permit. New requirements in the 2007 Municipal Permit has prompted the incorporation of significant revisions into the plans, including the identification of new activities to implement in Fiscal Years 2008 through 2013.

The Jurisdictional URMP serves two primary purposes. First, it outlines the BMPs that each department will implement to prevent or reduce urban runoff pollution. Each department will be responsible for financing and implementing the BMPs and tracking their activities. Second, the plan identifies the programs and minimum BMP requirements that the Storm Water Division will implement and enforce over the life of the 2007 Municipal Permit.

The Watershed URMPs identify the high priority pollutants and sources within the watersheds that the City has jurisdiction in and outline activities to address those pollutants and sources. The City has identified at least two education and two water quality activities to implement annually for each of its watersheds during the five-year 2007 Municipal Permit cycle. The City is the sole jurisdiction within the Mission Bay & La Jolla Watershed; it is a participating jurisdiction in the following five watersheds: San Dieguito River, Los Peñasquitos, San Diego River, San Diego Bay, and Tijuana River.

The Regional URMP will serve as a framework to implement coordinated regional strategies across multiple jurisdictional boundaries. Under this plan, jurisdictions will integrate activities at a regional scale when efficient and appropriate, such as education and outreach campaigns. The County of San Diego is leading the development of this regional plan with input from the City and other jurisdictions.

The Regional and five (5) Watershed URMPs, for which the City is not the lead agency, are being developed in cooperation with other jurisdictions and will not be completed prior to Council consideration. However, the Storm Water Division has prepared for Council consideration the lists of wholly or partially City-sponsored activities to be incorporated into the plans. The Storm Water Division

will begin implementation and submit final versions of all the plans to the San Diego Regional Water Quality Control Board by March 24, 2008.


The amendment to the Storm Water Ordinance will involve two groups of changes. First, the list of allowable non-storm water discharges will be updated consistent with the list from the 2007 Municipal Permit. Specifically, non-emergency fire fighting flows, diverted stream flows, and uncontaminated groundwater infiltration will be added to the list of allowable non-storm water discharges, and non-commercial car washing (e.g., charity car washing) will be removed from the list of allowable discharges to conform with the 2007 Municipal Permit (note that, although non-commercial car washing is currently listed in the City's Storm Water Ordinance, the Storm Water Division does not allow discharges from this class of activities). Certain allowable non-storm water discharges will also be modified to be permissible only if the City's minimum BMPs are implemented. The discharge categories with this condition include: three types of excess irrigation runoff (irrigation water, lawn watering, and landscape irrigation), dechlorinated swimming pool discharges, residential car washing, air conditioning condensation, water line flushing, and non-emergency fire fighting flows.

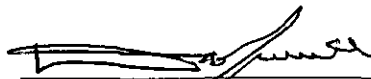
FISCAL CONSIDERATIONS: City-wide Fiscal Year 2008 costs are estimated to be \$43 million. This estimate is derived from the Street Division's storm drain cleaning and street sweeping (\$19,966,859) and the Storm Water Division's (\$22,995,409) current budgets (less substantial cost estimates of other departments not included). Implementation of Fiscal Year 2009–2013 activities will be dependent upon Council identification and approval of funding in future annual budgets. Potential alternative funding sources, including grants, to fund specific activities will be considered by separate actions. City-wide costs for the programs are estimated at \$320 million over the 5-year 2007 Municipal Permit cycle (less substantial expenditures to be required of other departments not included in this estimate).

PREVIOUS COUNCIL and/or COMMITTEE ACTION: Resolution No. R-296019 (January 28, 2002) approving 2002 Jurisdictional URMP. Ordinance No. O-18975 N.S. (September 10, 2001) regarding prior amendments to Storm Water Ordinance. The Natural Resources & Culture Committee voted 3–0 on November 14, 2007, to approve and forward the items to the full City Council.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: Outreach efforts to solicit input on the draft plans, including draft minimum BMPs for municipal, commercial, industrial, and residential sites/sources, included two public workshops, multiple meetings with stakeholders, two 30-day public comment periods, an Internet comment form, and three presentations to the former Public Utilities Advisory Commission's Storm Water Sub-Committee. Public notification methods included postcard mailings, newspaper notices, e-mail notices, notices on the City's Think Blue website, media releases, and flyers distributed at City public involvement meetings.

KEY STAKEHOLDERS AND PROJECTED IMPACTS: Key stakeholders include commercial businesses and industries, including the building industry, residential homeowners, citizens of the City and other jurisdictions, and environmental organizations. The Development Services Department prepared a MND, which identified the following potential impacts: historical resources (archaeology), paleontological resources, and land use (Multiple-Habitat Planning Area Land Use Adjacency).


Mario X. Sierra
General Services Department Director


David Jarrell
Interim Deputy Chief of Public Works

NOTICE OF DETERMINATION

150
1/7/08

TO: X Recorder/County Clerk
P.O. Box 1750, MS A33
1600 Pacific Hwy, Room 260
San Diego, CA 92101-2422

FROM: City of San Diego
Development Services Department
1222 First Avenue, MS 501
San Diego, CA 92101

X Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

Project Title: **URBAN RUNOFF MANAGEMENT PLANS** Project No.: **134590**
State Clearinghouse Number: **2007091059**

Applicant: The City of San Diego, General Services Department, Storm Water Pollution Prevention Division, 1970 B Street, MS 27A, San Diego, CA 92102 Contact: Andrew Kleis (619) 525-8623.

Project Location: Projects would be located within the City Public Rights-of-Way in any community within the City and County of San Diego.

Project Description: CITY COUNCIL APPROVAL of one (1) updated Jurisdictional Urban Runoff Management Plan (JURMP) and associated ordinance amendments and amendments to the Land Development Manual, six (6) updated Watershed Urban Runoff Management Plans (WURMPs), and one (1) Regional Urban Runoff Management Plan (RURMP) outlining the efforts of the City of San Diego (City) to reduce and prevent, by itself and in coordination with other jurisdictions, urban runoff pollution pursuant to San Diego Regional Water Quality Control Board Order No. R9-2007-0001 (Municipal Storm Water Permit). The City's efforts will incorporate both structural and non-structural activities throughout its jurisdiction.

This is to advise that the City of San Diego City Council on January 7, 2008 approved the above described project and made the following determinations:

1. The project in its approved form will, X will not, have a significant effect on the environment.

 An Environmental Impact Report was prepared for this project and certified pursuant to the provisions of CEQA.

X A MITIGATED NEGATIVE DECLARATION was prepared for this project pursuant to the provisions of CEQA.

Record of project approval may be examined at the address above.

3. Mitigation measures X were, were not, made a condition of the approval of the project.

It is hereby certified that the final environmental report, including comments and responses, is available to the general public at the office of the Land Development Review Division, Fifth Floor, Development Services Center, 1222 First Avenue, San Diego, CA 92101.

Analyst: Myra Herrmann

Telephone: (619) 446-5372

Filed by:

Signature.

Title

Reference: California Public Resources Code, Sections 21108 & 21152.

CITY ATTORNEY DIGEST

ORDINANCE NUMBER O-_____ (NEW SERIES)

ADOPTED ON _____

EFFECTIVE DATE: _____

AN ORDINANCE OF THE CITY OF SAN DIEGO AMENDING
CHAPTER 4, ARTICLE 3, DIVISION 3 OF THE SAN DIEGO
MUNICIPAL CODE BY AMENDING SECTION 43.0305(b)
REGARDING STORM DRAIN DISCHARGES.

This ordinance amends the Municipal Code to conform to requirements of the San Diego Regional Water Quality Control Board Order Number R9-2007-0001 regarding storm water discharges by updating the list of exceptions to prohibited discharges.

This ordinance contains a notice that a full reading of this ordinance is dispensed with prior to passage, since a written copy was made available to the City Council and the public prior to the day of its passage.

This ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

A complete copy of this ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 C Street, San Diego, CA. 92101.

FMO:mb
12/18/07
Or.Dept:GenSvc
O-2008-59

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE OF THE CITY OF SAN DIEGO AMENDING
CHAPTER 4, ARTICLE 3, DIVISION 3 OF THE SAN DIEGO
MUNICIPAL CODE BY AMENDING SECTION 43.0305(b)
REGARDING STORM DRAIN DISCHARGES.

WHEREAS, the San Diego Regional Water Quality Control Board requires municipalities to maintain legal enforcement authority over discharges to their storm water conveyance systems; and

WHEREAS, the San Diego Regional Water Quality Control Board had formerly adopted Order No. R9-2001-01 in 2001 to prohibit discharges of non-storm water to the conveyance system, with specified exceptions; and

WHEREAS, the Council adopted Section 43.0305(b) in the San Diego Municipal Code to list the specified exceptions to the prohibitions against discharges of non-storm water, in conformity with San Diego Regional Water Quality Control Board Order No. R9-2001-01; and

WHEREAS, Order No. R9-2001-01 has expired and the San Diego Regional Water Quality Control Board has adopted Order No. R9-2007-0001 in its place, with a modified list of exceptions to the prohibition against non-storm water discharges; and

WHEREAS, it is necessary to amend Section 43.0305(b) of the Municipal Code to reflect the new terms of Order No. R9-2007-0001 with respect to the exceptions to non-storm water discharge prohibitions; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 4, Article 3, Division 3 of the San Diego Municipal Code is hereby amended by amending Sections 43.0305(b), to read as follows:

§ 43.0305 Exemptions from Discharge Prohibition

The following discharges are exempt from the prohibition set forth in Section 43.0305:

- (a) [No change to text.]
- (b) Discharges from the following activities which do not cause or contribute to the violation of any Plan Water Quality Objective and are not a significant source of pollutants into or from the *Storm Water Conveyance System*:
 - (1) diverted stream flows;
 - (2) rising ground waters;
 - (3) uncontaminated ground water infiltration [as defined at 40 CFR 35.2005(20)] to the *Storm Water Conveyance System*;
 - (4) uncontaminated pumped ground water;
 - (5) foundation drains;
 - (6) springs;
 - (7) water from crawl space pumps;
 - (8) footing drains;
 - (9) air conditioning condensation, provided such discharges comply with *Best Management Practices* adopted under Section 43.0307(a);
 - (10) flows from riparian habitats and wetlands;
 - (11) water line flushing, provided that such discharges comply with *Best Management Practices* adopted under Section 43.0307(a);
 - (12) irrigation water, provided such discharges comply with *Best Management Practices* adopted under Section 43.0307(a);
 - (13) discharges from potable water sources not subject to NPDES Permit No. CAG679001, other than water main breaks;

- (14) individual residential car washing, provided such discharges comply with
Best Management Practices adopted under Section 43.0307(a);
- (15) dechlorinated swimming pool discharges, provided such discharges comply with
Best Management Practices adopted under Section 43.0307(a);
- (16) emergency fire fighting flows necessary for the protection of life or property; and
- (17) non-emergency fire fighting flows from controlled or practice blazes and fire
suppression equipment maintenance activities, provided such discharges are not
prohibited categorically by *Best Management Practices* established by the
Enforcement Official pursuant to Section 43.0307(a), and provided further that
such discharges comply with all *Best Management Practices* established by the
Enforcement Official under Section 43.0307(a).

(c) [No change to text.]

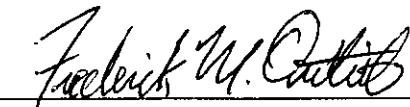
(d) [No change to text.]

Section 2. That a full reading of this ordinance is dispensed with prior to passage, since a written copy was made available to the City Council and the public prior to the day of its passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Frederick M. Ortlieb
Deputy City Attorney

FMO:mb
12/18/07
Or.Dept:GenSvc
O-2008-59

000062

(O-2008-59)

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego,
at its meeting of _____.

ELIZABETH S. MALAND, City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

OLD LANGUAGE - ~~Stricken~~NEW LANGUAGE - Underlined

STRIKEOUT ORDINANCE

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE OF THE CITY OF SAN DIEGO AMENDING
CHAPTER 4, ARTICLE 3, DIVISION 3 OF THE SAN DIEGO
MUNICIPAL CODE BY AMENDING SECTION 43.0305(b)
REGARDING STORM DRAIN DISCHARGES.

§ 43.0305 Exemptions from Discharge Prohibition

The following discharges are exempt from the prohibition set forth in Section 43.0305:

- (a) [No change to text.]
- (b) Discharges from the following activities which do not cause or contribute to the violation of any Plan Water Quality Objective and are not a significant source of pollutants into or from the *Storm Water Conveyance System*:
 - (1) ~~water line flushing and other discharges from potable water sources and raw water supply sources,~~
 - (2) ~~landscape irrigation and lawn watering,~~
 - (3) ~~rising ground waters or springs,~~
 - (4) ~~uncontaminated pumped ground water not subject to any applicable NPDES Permit,~~
 - (5) ~~passive foundation and footing drains,~~
 - (6) ~~water from crawl space pumps,~~
 - (7) ~~air conditioning condensation,~~

- ~~(8) non-commercial and residential washing of vehicles;~~
- ~~(9) flows from riparian habitats and wetlands;~~
- ~~(10) dechlorinated swimming pool discharges;~~
- ~~(11) flows from fire fighting;~~
- (1) diverted stream flows;
- (2) rising ground waters;
- (3) uncontaminated ground water infiltration [as defined at 40 CFR 35.2005(20)]
to the Storm Water Conveyance System;
- (4) uncontaminated pumped ground water;
- (5) foundation drains;
- (6) springs;
- (7) water from crawl space pumps;
- (8) footing drains;
- (9) air conditioning condensation, provided such discharges comply with Best
Management Practices adopted under Section 43.0307(a);
- (10) flows from riparian habitats and wetlands;
- (11) water line flushing, provided such discharges comply with Best Management
Practices adopted under Section 43.0307(a);
- (12) irrigation water, provided such discharges comply with Best Management
Practices adopted under Section 43.0307(a);
- (13) discharges from potable water sources not subject to NPDES Permit No.
CAG679001, other than water main breaks;
- (14) individual residential car washing, provided such discharges comply with
Best Management Practices adopted under Section 43.0307(a);

- (15) dechlorinated swimming pool discharges, provided such discharges comply with *Best Management Practices* adopted under Section 43.0307(a);
 - (16) emergency fire fighting flows necessary for the protection of life or property; and
 - (17) non-emergency fire fighting flows from controlled or practice blazes and fire suppression equipment maintenance activities, provided such discharges are not prohibited categorically by *Best Management Practices* established by the *Enforcement Official* pursuant to Section 43.0307(a), and provided further that such discharges comply with all *Best Management Practices* established by the *Enforcement Official* under Section 43.0307(a).
- (c) [No change to text.]
- (d) [No change to text.]

FMO:mb
12/18/07
Or.Dept:GenSvc
SO-2008-59

(R-2008-500)

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE CITY OF SAN DIEGO ADOPTING
UPDATED URBAN RUNOFF MANAGEMENT PLANS AND
AUTHORIZING THE MAYOR TO IMPLEMENT MEASURES
IN THE PLANS RELATED TO STORM WATER RUNOFF.

WHEREAS, in accordance with the Municipal Storm Water Permit, Order No. R9-2007-0001, issued to the City by the San Diego Regional Water Quality Control Board, the City must implement new measures to better control discharges of Non-Stormwater to receiving waters; and

WHEREAS, such measures require revisions to the City's current Urban Runoff Management Plans; and

WHEREAS, the necessary measures are set forth in Report to City Council No. 07-186, dated November 7, 2007, and were reviewed and approved by the Natural Resources & Culture Committee on November 14, 2007; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Council adopts and enacts the Jurisdictional Urban Runoff Management Plan [JURMP], a copy of the JURMP is on file in the office of the City Clerk as Document No. RR-_____, except those portions relating to amendments to the Storm Water Standards of the Land Development Manual.

BE IT FURTHER RESOLVED, that the Council adopts and enacts the Mission Bay & La Jolla Watershed Urban Runoff Management Plan, a copy of which is on file in the office of the City Clerk as Document No. RR-_____.

BE IT FURTHER RESOLVED, that the Council adopts and enacts the San Dieguito River Watershed Urban Runoff Management Plan, a copy of which is on file in the office of the City Clerk as Document No. RR-_____.

BE IT FURTHER RESOLVED, that the Council adopts and enacts the Los Peñasquitos Watershed Urban Runoff Management Plan, a copy of which is on file in the office of the City Clerk as Document No. RR-_____.

BE IT FURTHER RESOLVED, that the Council adopts and enacts the San Diego River Watershed Urban Runoff Management Plan, a copy of which is on file in the office of the City Clerk as Document No. RR-_____.

BE IT FURTHER RESOLVED, that the Council adopts and enacts the San Diego Bay Watershed Urban Runoff Management Plan, a copy of which is on file in the office of the City Clerk as Document No. RR-_____.

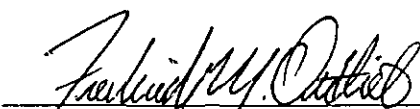
BE IT FURTHER RESOLVED, that the Council adopts and enacts the Tijuana River Watershed Urban Runoff Management Plan, a copy of which is on file in the office of the City Clerk as Document No. RR-_____.

BE IT FURTHER RESOLVED, that the Council adopts and enacts the new Regional Urban Runoff Management Plan, a copy of which is on file in the office of the City Clerk as Document No. RR-_____.

BE IT FURTHER RESOLVED, that the Mayor or his designee is authorized to implement activities identified in the above management plans.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Frederick M. Ortlieb
Deputy City Attorney

000069

(R-2008-500)

FMO:mb
12/18/07
Aud.Cert:N/A
Or.Dept:GenSvc
R-2008-500

I hereby certify that the foregoing resolution was passed by the Council of the City of San Diego,
at its meeting of _____.

ELIZABETH S. MALAND, City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE CITY OF SAN DIEGO CERTIFYING
EIR PROJECT NO. 134590 AND TAKING RELATED ACTIONS
REGARDING THE CITY'S STORM WATER URBAN RUNOFF
PLANS AND STORM WATER STANDARDS MANUAL.

WHEREAS, the City of San Diego, as Lead Agency, has prepared and completed an Mitigated Negative Declaration, and Mitigation, Monitoring, and Reporting Program in connection with the storm water urban runoff management plans and the storm water standards manual; and

WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration Project No. 134590, dated October 19, 2007; NOW, THEREFORE,


BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Mitigated Negative Declaration Project No. 134590, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.); that the declaration reflects the independent judgment of the City of San Diego as Lead Agency; and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the City's Urban Runoff Management Plans and Storm Water Standards Manual.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or

alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Frederick M. Ortlieb
Deputy City Attorney

FMO:mb
12/18/07
Aud.Cert:N/A
Or.Dept:GenSvc
R-2008-501

I hereby certify that the foregoing resolution was passed by the Council of the City of San Diego, at its meeting of _____.

ELIZABETH S. MALAND, City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

000073

MITIGATION, MONITORING & REPORTING PROGRAM

**** Insert MMRP**

EXHIBIT A

MITIGATION, MONITORING & REPORTING PROGRAM
Project No. 134590 – Storm Water Urban Runoff Plans

MITIGATION, MONITORING AND REPORTING PROGRAM:

HISTORICAL RESOURCES (ARCHAEOLOGY)

I. Prior to Permit Issuance or Bid Opening/Bid Award

A. Land Development Review (LDR) Plan Check

1. Prior to permit issuance or Bid Opening/Bid Award, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring, have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

1. Prior to Bid Award, the applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project.
3. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coast Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the 1/4 mile radius.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.

MITIGATION, MONITORING & REPORTING PROGRAM

Project No. 134590 – Storm Water Urban Runoff Plans

III. During Construction

A. Monitor(s) Shall be Present During Grading/Excavation/Trenching

1. The monitor and Native American monitor shall be present full-time during grading/excavation/trenching activities including, but not limited to mainline, laterals, jacking and receiving pits, services and all other appurtenances associated with underground utilities as identified on the AME and as authorized by the CM. The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.
2. The monitor shall document field activity via the Consultant Site Visit Record (CSV). The CSV's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries. The RE shall forward copies to MMC.
3. The PI may submit a detailed letter to the CM and/or RE for concurrence and forwarding to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous trenching activities, presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present.

B. Discovery Notification Process

1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or PI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or e-mail with photos of the resource in context, if possible.

C. Determination of Significance

1. The PI and Native American monitor shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below:
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval of the program from MMC, CM and RE. ADRP and any mitigation must be approved by MMC, RE and/or CM before ground disturbing activities in the area of discovery will be allowed to resume.

MITIGATION, MONITORING & REPORTING PROGRAM
Project No. 134590 – Storm Water Urban Runoff Plans

- a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Acknowledgement of Responsibility for Curation (CIP or Other Public Projects)
 - a. The applicant shall submit a letter to MMC acknowledging their responsibility for the cost of curation associated with all phases of the archaeological monitoring program.
3. Identify Areas to be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) based on the appropriate construction documents (reduced to 11x17) to MMC for approval identifying the areas to be monitored including the delineation of grading/excavation limits. The AME shall be based on the results of a site specific records search as well as information regarding the age of existing pipelines, laterals and associated appurtenances and/or any known soil conditions (native or formation). The AME shall specifically identify areas where Native American Monitoring is required along the trenching alignment and other pertinent areas. MMC shall notify the PI that the AME has been approved.
4. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as age of existing pipe to be replaced, depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.
5. Approval of AME and Construction Schedule
 - a. After approval of the AME by MMC, the PI shall submit to MMC written authorization of the AME and Construction Schedule from the CM.

(1) Note: For pipeline trenching projects only, the PI shall implement the Discovery Process for Pipeline Trenching projects identified below under "D."

MITIGATION, MONITORING & REPORTING PROGRAM
Project No. 134590 – Storm Water Urban Runoff Plans

- c. If resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

- (1) Note: For Pipeline Trenching Projects Only. If the deposit is limited in size, both in length and depth, the information value is limited and is not associated with any other resource; and there are no unique features/artifacts associated with the deposit, the discovery should be considered not significant.

- (2) Note: for Pipeline Trenching Projects Only: If significance can not be determined, the Final Monitoring Report and Site Record (DPR Form 523A/B) shall identify the discovery as Potentially Significant.

D. Discovery Process for Significant Resources — Pipeline Trenching Projects

The following procedure constitutes adequate mitigation of a significant discovery encountered during pipeline trenching activities including but not limited to excavation for jacking pits, receiving pits, laterals, and manholes to reduce impacts to below a level of significance:

1. Procedures for documentation, curation, and reporting

- a. One hundred percent of the artifacts within the trench alignment and width shall be documented in-situ, to include photographic records, plan view of the trench and profiles of side walls, recovered, photographed after cleaning and analyzed and curated. The remainder of the deposit within the limits of excavation (trench walls) shall be left intact.
- b. The PI shall prepare a Draft Monitoring Report and submit to MMC via the RE as indicated in Section VI-A.
- c. The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) the resource(s) encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines. The DPR forms shall be submitted to the South Coastal Information Center for either a Primary Record or SDI Number and included in the Final Monitoring Report.
- d. The Final Monitoring Report shall include a recommendation for monitoring of any future work in the vicinity of the resource.

MITIGATION, MONITORING & REPORTING PROGRAM

Project No. 134590 – Storm Water Urban Runoff Plans

IV. Discovery of Human Remains

If human remains are discovered, work shall halt in that area and the following procedures as set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

A. Notification.

1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS).
2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

B. Isolate discovery site.

1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenience of the remains.
2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenience.
3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.

C. If Human Remains ARE determined to be Native American

1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.
2. The NAHC will contact the PI within 24 hours or sooner, after Medical Examiner has completed coordination.
3. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
4. The PI shall coordinate with the MLD for additional consultation.
5. The MLD has 48 hours to make recommendations to the property owner or representative for the treatment or disposition, with proper dignity, of the human remains and associated grave goods.
6. Disposition of Native American Human Remains shall be determined between the MLD and the PI, IF:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner.

MITIGATION, MONITORING & REPORTING PROGRAM

Project No. 134590 – Storm Water Urban Runoff Plans

- c. To protect these sites, the landowner shall do one or more of the following:
 - (1) Record the site with the NAHC;
 - (2) Record an open space or conservation easement; or
 - (3) Record a document with the County.
- d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 6.c; above.

D. If Human Remains are NOT Native American

- 1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
- 2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98)
- 3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the Museum of Man for analysis. The decision for interment of the human remains shall be made in consultation with MMC, EAS, the applicant department and/or Real Estate Assets Department (READ) and the Museum of Man.

II. Night and/or Weekend Work

A. If night and/or weekend work is included in the contract

- 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the Precon meeting.
- 2. The following procedures shall be followed.
 - a. No Discoveries

In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSVR and submit to MMC via the RE by fax by 9am the following morning of the next business day.

MITIGATION, MONITORING & REPORTING PROGRAM

Project No. 134590 – Storm Water Urban Runoff Plans

b. Discoveries

All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV – Discovery of Human Remains.

c. Potentially Significant Discoveries

If the PI determines that a potentially significant discovery has been made, the procedures detailed under *Section III: During Construction* shall be followed.

d. The PI shall immediately contact the RE and MMC, or by 8AM the following morning to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

B. If night and/or weekend work becomes necessary during the course of construction:

1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
2. The RE, or BI, as appropriate, shall notify MMC immediately.
3. All other procedures described above shall apply, as appropriate.

III. Post Construction**A. Submittal of Draft Monitoring Report**

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC via the RE for review and approval within 90 days following the completion of monitoring.

a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program or Pipeline Trenching Discovery Process shall be included in the Draft Monitoring Report.

b. Recording Sites with State of California Department of Parks and Recreation

- (1) The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.

2. MMC shall return the Draft Monitoring Report to the PI via the RE for revision or, for preparation of the Final Report.

3. The PI shall submit revised Draft Monitoring Report to MMC via the RE for approval.

4. MMC shall provide written verification to the PI of the approved report.

MITIGATION, MONITORING & REPORTING PROGRAM

Project No. 134590 – Storm Water Urban Runoff Plans

5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Artifacts

1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued.
2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.

C. Curation of Artifacts: Accession Agreement and Acceptance Verification

1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
2. The PI shall submit the Accession Agreement and catalogue record(s) to the RE or BI, as appropriate for donor signature with a copy submitted to MMC.
3. The RE or BI, as appropriate shall obtain signature on the Accession Agreement and shall return to PI with copy submitted to MMC.
4. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

D. Final Monitoring Report(s)

1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC of the approved report.
2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

PALEONTOLOGICAL RESOURCES

I. Prior to Permit Issuance or Bid Opening/Bid Award

A. Land Development Review (LDR) Plan Check

1. Prior to permit issuance or Bid Opening/Bid Award, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

1. Prior to Bid Award, the applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.

MITIGATION, MONITORING & REPORTING PROGRAM

Project No. 134590 – Storm Water Urban Runoff Plans

2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation-related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Acknowledgement of Responsibility for Curation (CIP or Other Public Projects)
The applicant shall submit a letter to MMC acknowledging their responsibility for the cost of curation associated with all phases of the paleontological monitoring program.
3. Identify Areas to be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC for approval identifying the areas to be monitored including the delineation of grading/excavation limits.
 - b. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
 - c. MMC shall notify the PI that the PME has been approved.
4. When Monitoring Will Occur

MITIGATION, MONITORING & REPORTING PROGRAM

Project No. 134590 – Storm Water Urban Runoff Plans

- a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.
5. Approval of PME and Construction Schedule
After approval of the PME by MMC, the PI shall submit to MMC written authorization of the PME and Construction Schedule from the CM.

III. During Construction

A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The monitor shall be present full-time during grading/excavation/trenching activities including, but not limited to mainline, laterals, jacking and receiving pits, services and all other appurtenances associated with underground utilities as identified on the PME and as authorized by the CM that could result in impacts to formations with high and/or moderate resource sensitivity at depths of 10 feet or greater and as authorized by the construction manager. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.**
2. The monitor shall document field activity via the Consultant Site Visit Record (CSVSR). The CSVSR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
3. The PI may submit a detailed letter to the CM and/or RE for concurrence and forwarding to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.

B. Discovery Notification Process

1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

C. Determination of Significance

MITIGATION, MONITORING & REPORTING PROGRAM
Project No. 134590 – Storm Water Urban Runoff Plans

1. The PI shall evaluate the significance of the resource.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
 - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval of the program from MMC, MC and/or RE. PRP and any mitigation must be approved by MMC, RE and/or CM before ground disturbing activities in the area of discovery will be allowed to resume.
 - (1) Note: For pipeline trenching projects only, the PI shall implement the Discovery Process for Pipeline Trenching projects identified below under "D."
 - c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
 - d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.
 - (1) Note: For Pipeline Trenching Projects Only. If the fossil discovery is limited in size, both in length and depth, the information value is limited and there are no unique fossil features associated with the discovery area, then the discovery should be considered not significant.
 - (2) Note: for Pipeline Trenching Projects Only. If significance can not be determined, the Final Monitoring Report and Site Record shall identify the discovery as Potentially Significant.

D. Discovery Process for Significant Resources — Pipeline Trenching Projects

The following procedure constitutes adequate mitigation of a significant discovery encountered during pipeline trenching activities including but not limited to excavation for jacking pits, receiving pits, laterals, and manholes to reduce impacts to below a level of significance.

1. Procedures for documentation, curation and reporting
 - a. One hundred percent of the fossil resources within the trench alignment and width shall be documented in-situ photographically, drawn in plan view (trench and profiles of side walls), recovered from the trench and photographed after cleaning, then analyzed and curated consistent with Society of Invertebrate Paleontology

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Standards. The remainder of the deposit within the limits of excavation (trench walls) shall be left intact and so documented.

- b. The PI shall prepare a Draft Monitoring Report and submit to MMC via the RE as indicated in Section VI-A.
- c. The PI shall be responsible for recording (on the appropriate forms for the San Diego Natural History Museum) the resource(s) encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines. The forms shall be submitted to the San Diego Natural History Museum and included in the Final Monitoring Report.
- d. The Final Monitoring Report shall include a recommendation for monitoring of any future work in the vicinity of the resource.

IV. Night and/or Weekend Work

A. If night and/or weekend work is included in the contract:

- 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the Precon meeting.
- 2. The following procedures shall be followed:

a. No Discoveries

In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSV and submit to MMC via the RE via fax by 9am the following morning of the next business day.

b. Discoveries

All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.

c. Potentially Significant Discoveries

If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.

d. The PI shall immediately contact the RE and MMC, or by 8AM the following morning to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

B. If night and/or weekend work becomes necessary during the course of construction:

- 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
- 2. The RE, or BI, as appropriate, shall notify MMC immediately.

C. All other procedures described above shall apply, as appropriate.

V. Post Construction

A. Submittal of Draft Monitoring Report

- 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate

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graphics) to MMC via the RE for review and approval within 90 days following the completion of monitoring.

- a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program or Pipeline Trenching Discovery Process shall be included in the Draft Monitoring Report.
 - b. Recording Sites with the San Diego Natural History Museum. The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI via the RE for revision or, for preparation of the Final Report.
 3. The PI shall submit revised Draft Monitoring Report to MMC via the RE for approval.
 4. MMC shall provide written verification to the PI of the approved report.
 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Fossil Remains
1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
- C. Curation of artifacts: Deed of Gift and Acceptance Verification
1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
 2. The PI shall submit the Deed of Gift and catalogue record(s) to the RE or BI, as appropriate for donor signature with a copy submitted to MMC.
 3. The RE or BI, as appropriate shall obtain signature on the Deed of Gift and shall return to PI with copy submitted to MMC.
 4. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC of the approved report.
 2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

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LAND USE (MHPA – LAND USE ADJACENCY GUIDELINES)

If future projects are located adjacent to the Multi-Habitat Planning Area (MHPA), the following Land Use Adjacency Guidelines shall be made conditions of project approval in order to reduce potential indirect impacts:

1. Prior to initiation of any construction-related activities adjacent to the MHPA, the construction foreman shall discuss the sensitive nature of the adjacent habitat with the crew and subcontractor, when applicable.
2. Prior to the commencement of any construction related activities adjacent to the MHPA, the limits of grading shall be clearly delineated by a survey crew prior to brushing, clearing or grading. The limits of grading shall be defined with silt fencing and checked by the biological monitor before initiation of construction grading. If no construction activities would be in areas adjacent to the MHPA, then this measure would not be implemented.
3. Prior to the commencement of any construction related activities, the ADD/Environmental Designee shall review the construction documents to ensure that no invasive, non-native plant species are being introduced into areas adjacent to the MHPA.
4. Construction lighting located in areas adjacent to the MHPA shall be shielded, unidirectional, low pressure sodium illumination (or similar) and directed away from preserve areas using appropriate placement and shields.
5. No staging/storage areas for equipment and materials shall be located within or adjacent to the MHPA. No equipment maintenance shall be conducted within or near the adjacent to the MHPA.
6. Natural drainage patterns shall be maintained as much as possible during construction. Erosion control techniques, including the use of sandbags, weed-free hay or straw bales, and/or the installation of sediment traps, shall be used to control erosion and deter drainage during construction activities into the adjacent open space. Drainage from all development areas adjacent to the MHPA shall be directed away from the MHPA, or if not possible, must not drain directly into the MHPA, but instead into sedimentation basins, grassy swales, and/or mechanical trapping devices as specified by the City Engineer.
7. No trash, oil, parking or other construction related activities shall be allowed outside the established limits of grading or permitted construction activities. All construction related debris shall be removed off-site to an approved disposal facility.
8. Prior to the commencement of any construction related activities adjacent to the MHPA, the ADD/Environmental Designee shall verify that the MHPA boundaries and the following project requirements regarding the Coastal California gnatcatcher, Least Bell's vireo and the southern Willow Flycatcher are shown on the construction plans and indicated below:

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COASTAL CALIFORNIA GNATCATCHER

NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES SHALL OCCUR BETWEEN MARCH 1 AND AUGUST 15, THE BREEDING SEASON OF THE COASTAL CALIFORNIA GNATCATCHER, UNTIL THE FOLLOWING REQUIREMENTS HAVE BEEN MET TO THE SATISFACTION OF THE ADD (Environmental Designee) of LDR:

- A. A QUALIFIED BIOLOGIST SHALL SURVEY THOSE HABITAT AREAS WITHIN THE MHPA THAT WOULD BE SUBJECT TO CONSTRUCTION. NOISE LEVELS EXCEEDING 60 dB(A) HOURLY AVERAGE FOR THE PRESENCE OF THE COASTAL CALIFORNIA GNATCATCHER. SURVEYS FOR THE COASTAL CALIFORNIA GNATCATCHER SHALL BE CONDUCTED PURSUANT TO THE PROTOCOL SURVEY GUIDELINES ESTABLISHED BY THE U.S. FISH AND WILDLIFE SERVICE FOR A MINIMUM OF FOUR WEEKS (WITHIN THE BREEDING SEASON) PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION. IF GNATCATCHERS ARE PRESENT, THEN THE FOLLOWING CONDITIONS MUST BE MET:

I. *BETWEEN MARCH 1 AND AUGUST 15, NO CLEARING, GRUBBING, OR GRADING OF OCCUPIED GNATCATCHER HABITAT SHALL BE PERMITTED. AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST, AND

II. *BETWEEN MARCH 1 AND AUGUST 15, NO CONSTRUCTION ACTIVITIES SHALL OCCUR WITHIN ANY PORTION OF THE SITE WHERE CONSTRUCTION ACTIVITIES WOULD RESULT IN NOISE LEVELS EXCEEDING 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED GNATCATCHER HABITAT. AN ANALYSIS SHOWING THAT NOISE GENERATED BY CONSTRUCTION ACTIVITIES WOULD NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED HABITAT MUST BE COMPLETED BY A QUALIFIED ACOUSTICIAN (POSSESSING CURRENT NOISE ENGINEER LICENSE OR REGISTRATION WITH MONITORING NOISE LEVEL EXPERIENCE WITH LISTED ANIMAL SPECIES) AND APPROVED BY THE ADD OF LDR AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES DURING THE BREEDING SEASON, AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; OR

III. *AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES, UNDER THE DIRECTION OF A QUALIFIED ACOUSTICIAN, NOISE ATTENUATION MEASURES (e.g., BERMS, WALLS) SHALL BE IMPLEMENTED TO ENSURE THAT NOISE

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LEVELS RESULTING FROM CONSTRUCTION ACTIVITIES WILL NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF HABITAT OCCUPIED BY THE COASTAL CALIFORNIA GNATCATCHER. CONCURRENT WITH THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES AND THE CONSTRUCTION OF NECESSARY NOISE ATTENUATION FACILITIES, NOISE MONITORING* SHALL BE CONDUCTED AT THE EDGE OF THE OCCUPIED HABITAT AREA TO ENSURE THAT NOISE LEVELS DO NOT EXCEED 60 dB(A) HOURLY AVERAGE. IF THE NOISE ATTENUATION TECHNIQUES IMPLEMENTED ARE DETERMINED TO BE INADEQUATE BY THE QUALIFIED ACOUSTICIAN OR BIOLOGIST, THEN THE ASSOCIATED CONSTRUCTION ACTIVITIES SHALL CEASE UNTIL SUCH TIME THAT ADEQUATE NOISE ATTENUATION IS ACHIEVED OR UNTIL THE END OF THE BREEDING SEASON (AUGUST 16).

* Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the ADD of LDR, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

B. IF COASTAL CALIFORNIA GNATCATCHERS ARE NOT DETECTED DURING THE INITIAL SURVEY, THE QUALIFIED BIOLOGIST SHALL SUBMIT SUBSTANTIAL EVIDENCE TO THE ADD OF LDR AND APPLICABLE RESOURCE AGENCIES WHICH DEMONSTRATES WHETHER OR NOT MITIGATION MEASURES SUCH AS NOISE WALLS ARE NECESSARY BETWEEN MARCH 1 AND AUGUST 15 AS FOLLOWS:

C. IF THIS EVIDENCE INDICATES THE POTENTIAL IS HIGH FOR COASTAL CALIFORNIA GNATCATCHER TO BE PRESENT BASED ON HISTORICAL RECORDS OR SITE CONDITIONS, THEN CONDITION A.III SHALL BE ADHERED TO AS SPECIFIED ABOVE. IF THIS EVIDENCE CONCLUDES THAT NO IMPACTS TO THIS SPECIES ARE ANTICIPATED, NO MITIGATION MEASURES WOULD BE NECESSARY.

LEAST BELL'S VIREO (State Endangered/Federally Endangered)

NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES SHALL OCCUR BETWEEN MARCH 15 AND SEPTEMBER 15, THE BREEDING SEASON OF THE LEAST BELL'S VIREO, UNTIL THE FOLLOWING REQUIREMENTS HAVE BEEN MET TO THE SATISFACTION OF THE CITY MANAGER ADD/ENVIRONMENTAL DESIGNEE:

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- A. A QUALIFIED BIOLOGIST (POSSESSING A VALID ENDANGERED SPECIES ACT SECTION 10(a)(1)(A) RECOVERY PERMIT) SHALL SURVEY THOSE WETLAND AREAS THAT WOULD BE SUBJECT TO CONSTRUCTION NOISE LEVELS EXCEEDING 60 DECIBELS [dB(A)] HOURLY AVERAGE FOR THE PRESENCE OF THE LEAST BELL'S VIREO. SURVEYS FOR THE THIS SPECIES SHALL BE CONDUCTED PURSUANT TO THE PROTOCOL SURVEY GUIDELINES ESTABLISHED BY THE U.S. FISH AND WILDLIFE SERVICE WITHIN THE BREEDING SEASON PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. IF THE LEAST BELL'S VIREO IS PRESENT; THEN THE FOLLOWING CONDITIONS MUST BE MET:
1. BETWEEN MARCH 15 AND SEPTEMBER 15, NO CLEARING, GRUBBING, OR GRADING OF OCCUPIED LEAST BELL'S VIREO HABITAT SHALL BE PERMITTED. AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; AND
 2. BETWEEN MARCH 15 AND SEPTEMBER 15, NO CONSTRUCTION ACTIVITIES SHALL OCCUR WITHIN ANY PORTION OF THE SITE WHERE CONSTRUCTION ACTIVITIES WOULD RESULT IN NOISE LEVELS EXCEEDING 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED LEAST BELL'S VIREO OR HABITAT. AN ANALYSIS SHOWING THAT NOISE GENERATED BY CONSTRUCTION ACTIVITIES WOULD NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED HABITAT MUST BE COMPLETED BY A QUALIFIED ACOUSTICIAN (POSSESSING CURRENT NOISE ENGINEER LICENSE OR REGISTRATION WITH MONITORING NOISE LEVEL EXPERIENCE WITH LISTED ANIMAL SPECIES) AND APPROVED BY THE CITY MANAGER AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES. PRIOR TO THE COMMENCEMENT OF ANY OF CONSTRUCTION ACTIVITIES DURING THE BREEDING SEASON, AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; OR
 3. AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES, UNDER THE DIRECTION OF A QUALIFIED ACOUSTICIAN, NOISE ATTENUATION MEASURES (e.g., BERMS, WALLS) SHALL BE IMPLEMENTED TO ENSURE THAT NOISE LEVELS RESULTING FROM CONSTRUCTION ACTIVITIES WILL NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF HABITAT OCCUPIED BY THE LEAST BELL'S VIREO. CONCURRENT WITH THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES AND THE CONSTRUCTION OF NECESSARY NOISE ATTENUATION FACILITIES, NOISE MONITORING* SHALL BE CONDUCTED AT THE EDGE OF THE OCCUPIED HABITAT AREA TO ENSURE THAT

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NOISE LEVELS DO NOT EXCEED 60 dB(A) HOURLY AVERAGE. IF THE NOISE ATTENUATION TECHNIQUES IMPLEMENTED ARE DETERMINED TO BE INADEQUATE BY THE QUALIFIED ACOUSTICIAN OR BIOLOGIST, THEN THE ASSOCIATED CONSTRUCTION ACTIVITIES SHALL CEASE UNTIL SUCH TIME THAT ADEQUATE NOISE ATTENUATION IS ACHIEVED OR UNTIL THE END OF THE BREEDING SEASON (SEPTEMBER 16).

* Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager ADD/Environmental Designee, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

B. IF LEAST BELL'S VIREO ARE NOT DETECTED DURING THE PROTOCOL SURVEY, THE QUALIFIED BIOLOGIST SHALL SUBMIT SUBSTANTIAL EVIDENCE TO THE CITY MANAGER AND APPLICABLE RESOURCE AGENCIES WHICH DEMONSTRATES WHETHER OR NOT MITIGATION MEASURES SUCH AS NOISE WALLS ARE NECESSARY BETWEEN MARCH 15 AND SEPTEMBER 15 AS FOLLOWS:

1. IF THIS EVIDENCE INDICATES THE POTENTIAL IS HIGH FOR LEAST BELL'S VIREO TO BE PRESENT BASED ON HISTORICAL RECORDS OR SITE CONDITIONS, THEN CONDITION A.III SHALL BE ADHERED TO AS SPECIFIED ABOVE.
2. IF THIS EVIDENCE CONCLUDES THAT NO IMPACTS TO THIS SPECIES ARE ANTICIPATED, NO MITIGATION MEASURES WOULD BE NECESSARY.

SOUTHWESTERN WILLOW FLYCATCHER (Federally Endangered)

NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES SHALL OCCUR BETWEEN MAY 1 AND SEPTEMBER 1, THE BREEDING SEASON OF THE SOUTHWESTERN WILLOW FLYCATCHER, UNTIL THE FOLLOWING REQUIREMENTS HAVE BEEN MET TO THE SATISFACTION OF THE CITY MANAGER ADD/ENVIRONMENTAL DESIGNEE:

- A. A QUALIFIED BIOLOGIST (POSSESSING A VALID ENDANGERED SPECIES ACT SECTION 10(a)(1)(A) RECOVERY PERMIT) SHALL SURVEY THOSE WETLAND AREAS THAT WOULD BE SUBJECT TO CONSTRUCTION NOISE LEVELS EXCEEDING 60 DECIBELS [dB(A)] HOURLY AVERAGE FOR THE PRESENCE OF THE SOUTHWESTERN WILLOW FLYCATCHER. SURVEYS FOR THIS SPECIES SHALL BE CONDUCTED PURSUANT TO THE PROTOCOL SURVEY GUIDELINES

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ESTABLISHED BY THE U.S. FISH AND WILDLIFE SERVICE WITHIN THE BREEDING SEASON PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION. IF THE SOUTHWESTERN WILLOW FLYCATCHER IS PRESENT, THEN THE FOLLOWING CONDITIONS MUST BE MET:

BETWEEN MAY 1 AND SEPTEMBER 1, NO CLEARING, GRUBBING, OR GRADING OF OCCUPIED SOUTHWESTERN WILLOW FLYCATCHER HABITAT SHALL BE PERMITTED. AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; AND

BETWEEN MAY 1 AND SEPTEMBER 1, NO CONSTRUCTION ACTIVITIES SHALL OCCUR WITHIN ANY PORTION OF THE SITE WHERE CONSTRUCTION ACTIVITIES WOULD RESULT IN NOISE LEVELS EXCEEDING 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED SOUTHWESTERN WILLOW FLYCATCHER HABITAT. AN ANALYSIS SHOWING THAT NOISE GENERATED BY CONSTRUCTION ACTIVITIES WOULD NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED HABITAT MUST BE COMPLETED BY A QUALIFIED ACOUSTICIAN (POSSESSING CURRENT NOISE ENGINEER LICENSE OR REGISTRATION WITH MONITORING NOISE LEVEL EXPERIENCE WITH LISTED ANIMAL SPECIES) AND APPROVED BY THE CITY MANAGER AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES DURING THE BREEDING SEASON, AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; OR

AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES, UNDER THE DIRECTION OF A QUALIFIED ACOUSTICIAN, NOISE ATTENUATION MEASURES (e.g., BERMS, WALLS) SHALL BE IMPLEMENTED TO ENSURE THAT NOISE LEVELS RESULTING FROM CONSTRUCTION ACTIVITIES WILL NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF HABITAT OCCUPIED BY THE SOUTHWESTERN WILLOW FLYCATCHER. CONCURRENT WITH THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES AND THE CONSTRUCTION OF NECESSARY NOISE ATTENUATION FACILITIES, NOISE MONITORING* SHALL BE CONDUCTED AT THE EDGE OF THE OCCUPIED HABITAT AREA TO ENSURE THAT NOISE LEVELS DO NOT EXCEED 60 dB(A) HOURLY AVERAGE. IF THE NOISE ATTENUATION TECHNIQUES IMPLEMENTED ARE DETERMINED TO BE INADEQUATE BY THE QUALIFIED ACOUSTICIAN OR BIOLOGIST, THEN THE ASSOCIATED CONSTRUCTION ACTIVITIES SHALL CEASE UNTIL SUCH TIME THAT ADEQUATE NOISE ATTENUATION IS ACHIEVED OR UNTIL THE END OF THE BREEDING SEASON (SEPTEMBER 1).

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* Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager ADD/Environmental Designee, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

- B. IF SOUTHWESTERN WILLOW FLYCATCHER ARE NOT DETECTED DURING THE PROTOCOL SURVEY, THE QUALIFIED BIOLOGIST SHALL SUBMIT SUBSTANTIAL EVIDENCE TO THE CITY MANAGER ADD/ENVIRONMENTAL DESIGNEE AND APPLICABLE RESOURCE AGENCIES WHICH DEMONSTRATES WHETHER OR NOT MITIGATION MEASURES SUCH AS NOISE WALLS ARE NECESSARY BETWEEN MAY 1 AND SEPTEMBER 1 AS FOLLOWS:
1. IF THIS EVIDENCE INDICATES THE POTENTIAL IS HIGH FOR SOUTHWESTERN WILLOW FLYCATCHER TO BE PRESENT BASED ON HISTORICAL RECORDS OR SITE CONDITIONS, THEN CONDITION A.III SHALL BE ADHERED TO AS SPECIFIED ABOVE.
 2. IF THIS EVIDENCE CONCLUDES THAT NO IMPACTS TO THIS SPECIES ARE ANTICIPATED, NO MITIGATION MEASURES WOULD BE NECESSARY.

Raptors and Burrowing Owls

1. If the site has a potential to support nests and nesting raptors. If nests are present during construction, compliance with the Migratory Bird Treaty Act/Section 3503 would preclude the potential for direct impacts.
2. If there is a potential for indirect noise impacts to nesting raptors, prior to any construction within the nesting/breeding season (February 1 through September 15) and for the Northern harrier (February 1 through August 31) the biologist shall conduct a preconstruction survey to determine the presence of active raptor nests. If active nests are detected the biologist in consultation with EAS staff shall establish a species appropriate noise buffer zone. The size and configuration of buffers shall be based on the proximity of active nests to construction, existing disturbance levels, topography, the sensitivity of the species, and other factors, and shall be established through coordination with the Department of Fish and Game. If active nests are detected, construction activities shall be prohibited within 300 feet of the nest until after the raptor breeding season has ended (defined as February 1 – August 31) or until the fledglings have left the nest. No construction shall occur within this zone during the raptor breeding season.

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